Initia Eligibility Determination

IV-E Eligibility

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Medicaio



Court Order Requirements

Citizenship

Deprivation

Remova

# Initial Eligibility Determination 3-2010

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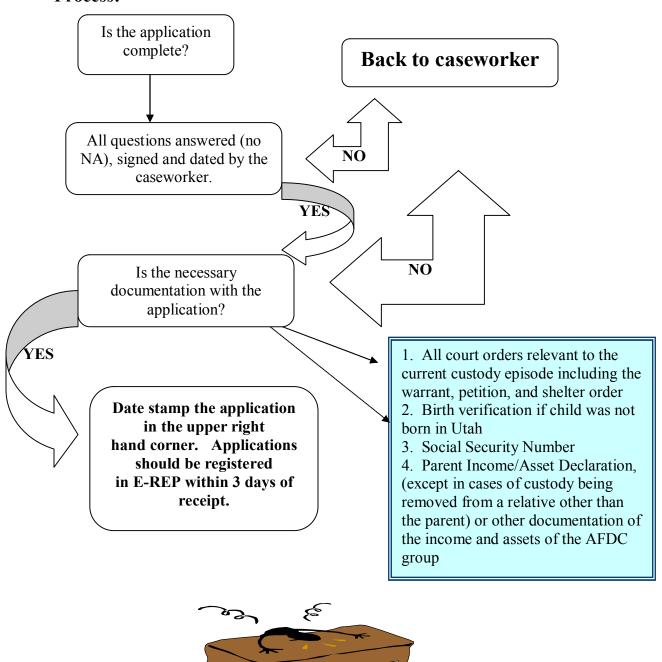
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## **Application Received**

#### **Purpose:**

An application for IV-E/Medicaid must be date stamped by the eligibility worker at the time it is received.

#### **Process:**



#### **Reviewing the Information on the Application**

**Purpose:** The information provided on the application should be reviewed for accuracy.

#### **Process:**

#### **Child in Custody Information**

Name of Child (last, first, middle)	Social Security Number	Date of Birth	ID#
Current Placement Address: (street, city, state, zip)		County	Telephone #

The information provided should match the SAFE and E-REP information for the foster child.

- ❖ Child's name: Compare SAFE, E-REP and birth verification record for variations in spelling, first and last names.
- Social Security Number: Copy of the child's card or verification through E-REP or e-Find. The interface match will provide verification after the SSN has been posted on a FC Medicaid case in received status. E-REP will set an alert for a case with a Social Security Number that does not match the name provided.
- ❖ Date of Birth: Copy of birth verification or HCF birth verification. E-REP verification code of "IM" on SSDO screen indicates that DWS has imaged a copy of the child's birth record. E-REP verification code of "HC" on the SSDO screen indicates that another agency has a hard copy of the birth verification. E-REP and SAFE information should be identical. If not, determine the accurate information and make corrections as necessary.
- ❖ Client ID#- E-REP and SAFE should have identical client ID#'s for the child. If duplicate ID#'s are identified, take steps to have the numbers merged.
- ❖ Placement: SAFE and USSDS can be used to verify that this is the current placement information. A physical and mailing address for the child will be needed for the address screens in E-REP. Print out of SAFE placement history is needed for eligibility file.

#### Caseworker Information

Worker Name	Office
Worker rame	Office
Mailing Address (street, city, state, zip)	Telephone #
Triuming radioss (street, etcy, state, 21p)	Telephone "

❖ Worker Name and Address: The address of the foster care worker is used on the person home address in E-REP.

#### 1. Custody

The child entered State/Tribal custody by:

	Court Order/Warrant. Petition date:
	(Attach copy of petition, warrant, and all court orders relevant to current custody episode.)
	*Petition or warrant date will most often determine the
	eligibility month
	Voluntary Placement Agreement. Date agreement signed
	(Attach copy of agreement and all court orders relevant to voluntary placement.)
	*Must be DCFS01 form, available in SAFE, and must be
	signed by the parent/guardian who is placing custody with the
	state and a representative of the agency.
	Up-Front Voluntary Relinquishment. <b>Date relinquished</b>
	(Attach copy of all court orders subsequent to child entering care by voluntary relinquishment.)
	*Rights relinquished prior to entry into care
*	Copies of warrant, petition, shelter order, voluntary agreement, and/or review orders are needed to verify the eligibility month, care and placement responsibility and IV-E wording. Rap sheets are used by JJS to verify the eligibility month. Review court documents and voluntary agreements for signatures.
	izenship hild a U.S. citizen? Yes (Attach copy of birth verification if born outside of Utah.)
*	U.S citizen by birth or naturalization. Birth certificate or HCF birth verification. Beginning July 1, 2006, original documents of birth certificates must be seen by the caseworker or eligibility worker before Medicaid eligibility can begin for a new applicant.
	No If no, has child been permanently admitted to the U.S.?  Yes Date of entry into U.S.  (Attach copy of immigration card or citizenship)
	declaration.)
	No

❖ Must be a Qualified Alien. Qualified Alien status must be verified through the Immigration and Naturalization Services verification process. You must have the information on the Alien Registration Card, I-94, to institute a SAVE search. E-Find can complete an Immigration and Naturalization search if the A-number is entered on the REFI screen.

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3. Stu Is the	<b>ident</b> child a full-tii	me student?	
	Yes	Name of School	District:
	No		
*	Caseworker	statement, E-REP or SAFE c	ease information.
	nnic Backgrous is the child's e	und ethnic background? (Check C	One)
	Americ	an Indian	
	Asian/I	Pacific Islander	
	Black		
	White		
	Other _		
*	Caseworker	statement. E-REP. SAFE per	rson screen, e-Find, I-94, or birth record.
		······	,,
His	spanic		
	Yes		
	No		
	Unk	nown	
*	Caseworker	statement, E-REP, SAFE per	rson screen, e-Find, I-94, or birth record.
Who i.e., w	who was respon		who voluntarily placed the child into care g care upon entry into foster care)?
	Name(s)		Phone #:
*	For remova	nild Lived With	e home page, case notes, SAFE case logs,
*		ary, E-REP notes (See Caret	acement history. SAFE case logs, CARE aker Relative Section for more

#### 7. Removal Home Household Members

List household members in the removal home.

If removal home in #5 above was the home of **parents**, include the foster child, parents (including stepparent), and the child's siblings under age 18. If removal home was the home of a **relative other than parents**, include only the foster child and the child's siblings under age 18 living in the home. If removal home was the home of a **non-relative**, include the foster child only.

Name	Relationship to Child	Date of Birth	Social Security Number
(Foster Child)	Self		

❖ Caseworker, parent income/asset declaration, SAFE, E-REP and CARE. This information is needed to establish your AFDC group size.

#### 8. Stepparents Children

If a stepparent is a member of the removal household, indicate the number of the stepparent's children who are under age 18 and <u>not</u> siblings of the foster child:

 Number stepparent children <u>living in</u> the removal home <b>plus</b> number of
stepparent children <u>living outside</u> of the removal home for whom <u>no</u> child
support is being paid.
 Number stepparent children <u>living outside</u> of the removal home for whom
child support is being paid.
Amount of child support paid monthly

❖ Caseworker, parent income/asset declaration, SAFE, E-REP, and CARE. This information is needed to establish the stepparent AFDC group size and necessary for deeming the stepparent income.

#### 9. Deprivation

At the time of the petition, was one (or both) of the child's parents/stepparents:

A.	Deceased?	
	Yes	Parent Name
		Is surviving parent remarried?
	No	

❖ Caseworker statement, Parent Income/Asset Declaration, death records, SAFE, CARE, E-REP, e-Find, Petition.

	B. Continual	ly absent from the <b>removal home</b> (listed in #5 above)?
	Yes	Parent Name
		Explain absence
		Explain absence If divorced, is custodial parent remarried?
	No	
<b>*</b>	Caseworker s CARE, Petition	tatement, Parent Income/Asset Declaration, E-REP, e-Find, SAFE, on.
	C. Disabled?	
	Yes	Parent Name
		Describe disability
		How disability verified: ☐ SSI ☐ Other
		☐ Observed and documented by caseworker <i>(attach documentation)</i>
	No	
<b>.</b>		tatement, Parent Income/Asset Declaration, E-REP, e-Find, SAFE, on, Doctor or other health professional's statement.
	D. Employed months)?	l less than 100 hours per month (parent earning most in last 24
	Ýes	Parent Name
		Explain
	No	•
<b>*</b>	Caseworker s CARE, Petition	tatement, Parent Income/Asset Declaration, E-REP, e-Find, SAFE, on.
	E. Unemploy  Yes	yed (parent earning most in last 24 months)? Parent Name
		Explain
		arent voluntarily quit a job within the past 30 days?arent refused an offer of employment within the past 30 days?
	No	
<b>*</b>	Caseworker s CARE, Petition	tatement, Parent Income/Asset Declaration, E-REP, e-Find, SAFE, on.

#### 10. Earned Income

List income from working or self-employment for each member of the removal home **including the foster child**. *If none, specify NONE*.

Full Name	Employer Name a Address	nd Weekly Hours	Hour Rate Pay	of Monthly
	tement, Parent Income/A AFE, CARE, Petition.	sset Declaration, Pa	y check s	stubs, E-
ome including the fo  Social Secu  Property Re  Supplement  Veteran's Be	ster child. If none, specifity (SSA) Pension Divide al Security Income (SSI)	ify NONE.  n/Retirement  nds (Stocks/Bonds)		f the removal
Full Name	Type of Income	How Often Receiv	ved	Amount
CARE, Petition  2. Financial Assista		ŕ	ŕ	
through the Depart	moval household receiving ment of Workforce Servi Name of Recipient	•	ce (FEP)	issued
<ul><li>♦ This is verified</li></ul>	through E-REP.			
worked to earn (succommunity organiz Yes No _	moval home receiving are the as food, shelter, rent of eations, churches, friends of support, source of support	r utility payments, or relatives?	or clothing	
Kind of Support	Source of Support	ore, and raine octo	Monthly Amount	

<sup>❖</sup> Parent Income/Asset Declaration, E-REP, Petition

#### 14. Dependent Care Expenses

Number of children under age 2.

List costs of day care required due to employment of any household members of the removal home (and not paid to a household member).

Total monthly cost

\$

Number of children under age 2		ige Z	1 Otal Inontin	y cost	Þ		
Number of child	lren age 2 o	r over	Total monthl	y cost	\$		
	❖ Parent Income/Asset Declaration, caseworker statement or E-REP. Consider the age of the children and the parent's work schedule.						
15. Assets/Accou	unts						
Check account ty	-		-				
from the removal	home, incl	uding the fost	ter child. <i>If non</i>	e, specify NO	NE.		
☐ Saving	gs Account	□ IR	RA/Keogh/401K	☐ Trust Fun	nd		
☐ Check	ing Accoun	t 🗆 St	ocks/Bonds	☐ Money M	larket Cert.		
Name of	Joint	Financial	Type of	Account	Account		
Owner(s)	Acct	Institution	Account	Number	Balance		
Yes/No							
❖ Parent Inc	ome/Asset	Declaration F	E-REP, Caseworl	ker statement			
• Tarent inc	7 135Ct	Deciaration, L	REI, Casewon	Kei statement.			
16. Assets/Moto	r Vehicles						
Check type and l		tion in the space	ces below for ve	hicles owned l	by household		
members from the		-					
□ Car		□ Boat		☐ Motorcyc	ele		
☐ Snowr	nobile						
☐ Truck/Van ☐ Motor Home ☐ ATV							
□ Other				<u> </u>			
Name of	Vehicle	Make/Mode	el Licensed	Current	Amount		

Yes/No

Value

Owed

#### 17. Assets/Personal Property

Type

Owner(s)

Check type and list information in the spaces below for personal property owned by household members from the removal home, **including the foster child**. *If none, specify NONE*.

Home (not living in)	Mineral Rights/Land	Other
Whole Life Insurance	Livestock	
Time Share Condo	Funeral Plans (not plots)	

<sup>❖</sup> Parent Income/Asset Declaration, Caseworker Statement, E-REP, e-Find, Kelly Blue Book.

Name of Owner(s)	Type of Property	Market Value	Amount Owed	Equity/Cash Value

<sup>❖</sup> Parent Income/Asset Declaration, Caseworker statement, E-REP.

#### 18. Placement History:

List information in spaces below regarding all placements for the foster child since entering this episode of custody or attach copy of placement history for current custody episode.

Placement and Removal Dates (if applicable)	Placement Type (foster, group, residential, etc.)	Is this a kinship placement? Yes/No How related?	Provider Name	Provider Address	*Fully Licensed Yes/No

❖ SAFE, CARE, USSDS, SAFE licensing information, Caseworker Statement.



- **19.** Health Insurance, Dental Insurance, Major Medical Needs, and Accident: Is the child covered by any health insurance through the child's parents or stepparents?
  - ❖ Parent Income/Asset Declaration, ORS, Caseworker Statement, e-Find.

Make sure the application is signed and dated by the caseworker

\*\*If there is inaccurate information on the application you may add the correct information in red and initial the correction. Please make sure any corrections are clear and professional.

## **Identifying the Type of Removal**

**Voluntary Placement Agreement** 



Utah's Division of Child and Family Services Practice Guidelines

206.3 Voluntary Custody

#### Major Objectives:

The parent or guardian of a child may request that Child and Family Services place their child in a voluntary and temporary out-of-home placement, or a CPS worker may offer a voluntary and temporary out-of-home placement. A voluntary out-or-home placement shall only be used when the parent(s) or guardian(s) can have unrestricted access to the child without presenting a risk to the health, safety or well-being of the child.

#### **Procedure:**

A voluntary placement agreement is a signed written agreement between the State and the parent(s) or the legal guardian(s) of the child. The voluntary placement may not exceed 45 calendar days. When additional voluntary care is needed, the worker may request an extension prior to the expiration of the 45-day time frame. The agreement must be completed on form DCFS01, available in SAFE forms, General Section. It gives the State temporary care and placement responsibility for the child. It also specifies the legal status of the child and the rights and obligations of the parents or legal guardians and the State while the child is placed in foster care. DJJS does not use voluntary placement agreements.

When determining the Foster Care Medicaid eligibility of children in care through a Voluntary Placement Agreement, the income and assets of the family must be considered if the parent is the person losing custody and the child is not IV-E eligible.

Appropriate copies of the applicable DCFS01 form should be provided with the application.

#### **Court Ordered Removal**



#### **Procedure:**

A court must remove the child from the home and place custody with a State agency such as DCFS or DJJS.

Utah's Division of Child and Family Services Practice Guidelines

#### 205.1 Grounds for Removal/Placement of a child into Protective Custody

#### Major Objectives:

The Child and Family Services caseworker shall obtain a warrant from the court of competent jurisdiction to facilitate the removal and subsequent placement of a child into protective custody, unless there are circumstances that demonstrate a substantial, immediate threat to the health or safety of a child. .....

Before taking a child into protective custody the Child and Family Services CPS worker shall determine whether there are services reasonably available that would eliminate the need to remove the child from the custody of his or her parent.

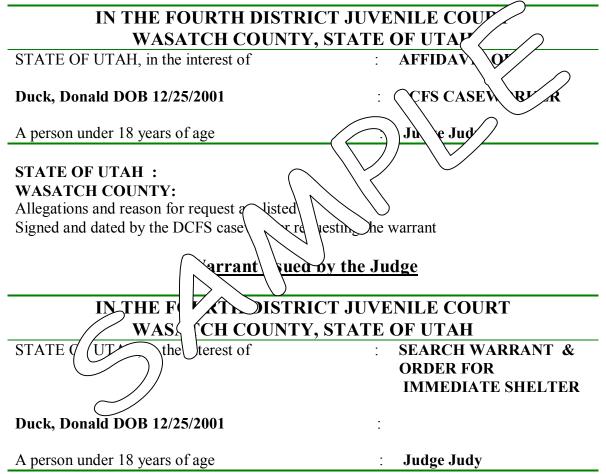
The following have authority to place a child into protective custody:

- A. A court of competent jurisdiction issuing a warrant.
- B. A Child and Family Services worker without a warrant, in accordance with the requirements of Utah Code.
- C. A law enforcement/peace officer.
- D. A physician or person in charge of a medical facility may place the child on a medical hold for up to 72 hours.

#### Warrant Removal/Protective Custody:

Child and Family Services workers request a warrant from the court through the Assistant Attorney General's office. A warrant may be requested in circumstances outlined in Utah Code and Utah's Division of Child and Family Services Practice Guidelines.

# Request to the Assistant Attorney General will be made in the form of an Affidavit for a Warrant.



SEARCH WARRANT AND ORDER FOR IMMEDIATE SHELTER TO ANY PEACE OFFICER OR DIVISION OF CHILD AND FAMILY SERVICES WORKER:

Warrant will be signed and dated by the Judge.

Warrants will sometimes come in two parts. An order issuing the warrant and the actual warrant. If the warrant does not have best interest language in it, make sure to ask for the "Order Issuing the Warrant".

#### **Emergency Removal/Protective Custody:**

A child may be removed from home without a court order in circumstances where the child is living in a home where methamphetamine or other illicit drugs are being manufactured.

Utah's Division of Child and Family Services Practice Guidelines

## 205.3 Removal of a Child From a Home Where Methamphetamine Or Other Illicit Drugs are Manufactured

#### Major Objectives:

Children located where there is manufacturing of methamphetamines and/or other illicit drugs shall be taken into protective custody where law enforcement determines the child is present and is at risk due to exposure or access to chemicals or other substances used in the production, manufacture, or distribution of the drugs. This may include situations in which the child has been exposed to a contaminated environment.

In both circumstances of a child being in the protective custody of Child and Family Services, a petition shall be filed with the juvenile court and a shelter hearing held. Utah's Division of Child and Family Services Practice Guidelines

#### 205.6 Shelter Hearing

#### Major Objectives:

A juvenile court shelter hearing shall be held within 72 hours after removal of the child from his or her home, excluding weekends and holidays.

#### Petition to the Court will be filed with the juvenile court

# IN THE FOURTH DISTRICT JUY TILE COURT IN AND FOR WASATCH COUNTY, THE OF UTAH

STATE OF UTAH, in the interest of

VERIFIED PETITION

DUCK, DONALD DOB 12/25/20

Case No. 00000

A child under 18 years of a

: Judge Judy

The petition shall include the following:

- 1. The reasons why the child was removed from the custody of the parents or guardian.
- 2. Reasonable efforts provided to the child and his or her family to prevent removal.
- 3. The need, if any, for continued custody.
- 4. The available services that could facilitate the return of the child to the custody of his or her parent(s) or guardian(s).
- 5. Whether the child has any relatives who may be able and willing to take temporary custody.

Petitions will be signed and dated by the DCFS Caseworker and/or the Assistant Attorney General.

## **Shelter Hearing/Temporary Custody Order**

FOURTH DISTRICT JUVENILE COURT		
FOR WASATCH COU	NTY, STATE OF UTAH	
STATE OF UTAH, in the interest of	FINDINGS OF FAR RDER	
DUCK, DONALD DOB 12/25/2001	AND DECREE  Cas 00000	
A child Under 18 years of age		
This matter came before the Court of petition which was filed on examined all of the evidence adduced and go following initial findings and order:  FINDINGS  Findings of the court listed.  THEREFORE IT IS ORDERED  Dated	ood cause the contained and makes the	
IN JURTH DISTRICT JUVENILE COURT FOR WASATCH COUNTY, STATE OF UTAH		
A, in the interest of	MINUTES FINDINGS AND ORDER	
name hand written)	Case No:	
A person under eighteen years old		
FINDINGS AND	CONCLUSIONS	
ORDER Dated this day		
	BY THE COURT	
	Judge's signature	

CAROLYN NICHOLS **Assistant Attorney General** MARK SHURTLEFF **Attorney General** Attorneys for the State of Utah 160 East 300 South, 6<sup>th</sup> Floor P.O. BOX 140833 Salt Lake City, Utah 84117-0833 Telephone: (801) 366-0250 IN THE THIR ICT JUVENILE COURT AL COUNTY, STATE OF UTAH IN AND FOR SALT STATE OF UTAH, in the SHELTER ORDER s handwrk (n in) Case No. (nav yea) of age. Judge Andrew Valdez Children und The above-excled matter came before the court for a Shelter Hearing pursuant to 78-3a-306 on the day of May, 2005..... **FINDINGS ORDER** DATED this the \_\_\_\_\_day of \_\_\_\_\_\_, 2005 By the court

Judge's signature

#### Removal of a Child from home when home-based services are being received 106.4 Removal of a Child from the Home

#### Major Objectives:

[Refer to removal major objectives in CPS Section 200.]

If there are two Child and Family Services workers assigned to the case, the workers shall collaborate prior to making a decision to remove the child from the home, unless the removal is due to an emergency.

If a child needs to be removed from the home in which the child's family is receiving home-based services, the home-based worker shall follow the requirement specified in CPS major objectives.

#### Custody ordered during a home-based services review hearing

# SEVENTH DISTRICT JUVENILE COURT

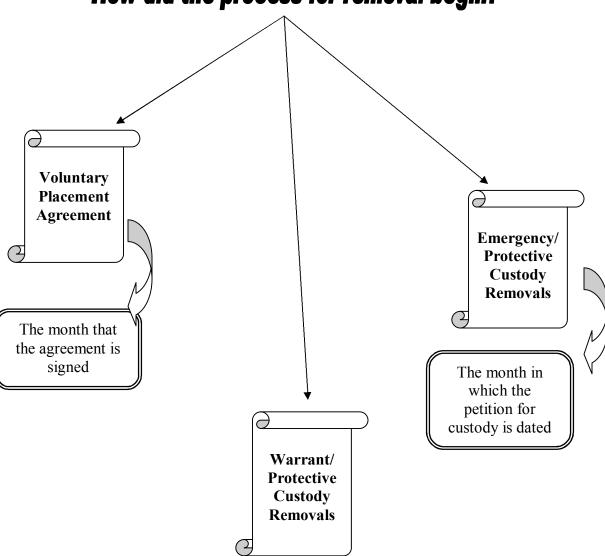
FOR CARBON COUN	NTY, STATE \F UTAH
STATE OF UTAH, in the interest of	A view Ord
Duck, Donald 12/25/2001	\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
Duck, Daisy 01/27/1999	// Ca No. 11111
A person under the age of 18 ye	
This matter came before the cou	<u> </u>
MINUTES:	
FINDINGS AND CONCLU LIONS;	
IT IS ORDERED:	
	BY THE COURT
	Judge's Signature

#### **Determining the Eligibility Month**

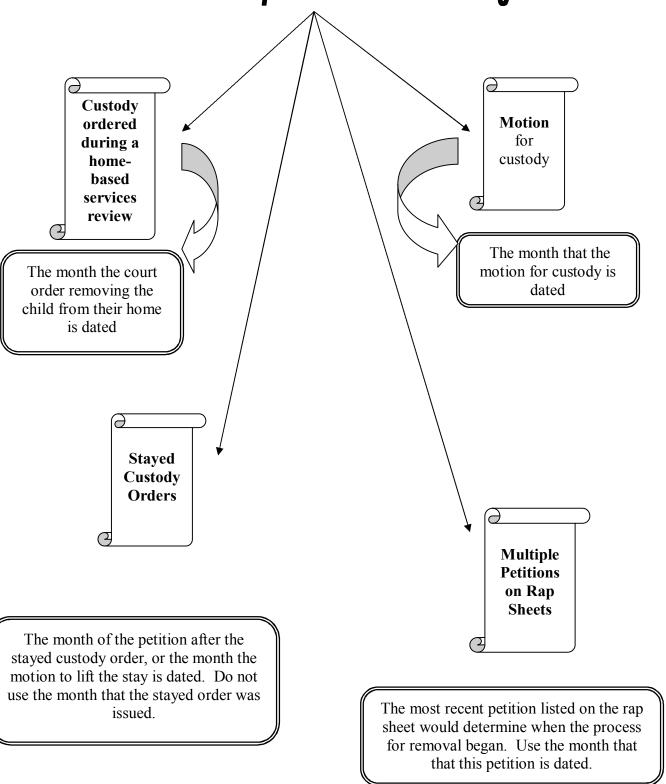
#### **Title IV-E Foster Care Eligibility Determination Procedures 2-6.C**

The eligibility month is the month in which the legal process that led to the removal of the child was initiated.

## How did the process for removal begin?

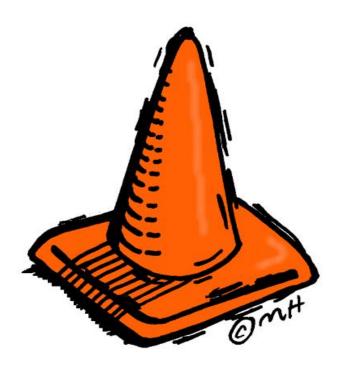


## How did the process for removal begin?



## Voluntary Relinquishment

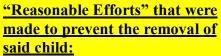
- At the point of removal of a child from his or her home, a termination of parental rights (TPR) alone is not proof that deprivation exists. IV-E AFDC factors must be established based on the circumstances in that home.
  - ✓ Deprivation (other than TPR)
  - ✓ Income
  - ✓ Assets
  - **✓** AFDC group size





# DISTRICT COURT

It is in the "Best Interest" that said child be removed from the custody of the parent or guardian



(A)\_\_\_\_

(B)\_\_\_\_

"OR"

An emergency existed so that
Reasonable Efforts were not necessary
or not required.

The court orders custody to the State Agency (DCFS or DJJS)

Judge: John Hancock









#### "Custody"

#### **Requirement:**

The state agency must have custody of the child before a determination of IV-E eligibility can be made.

#### **Court Order Custody**

The state agency must have care and placement responsibility for the child. The court must have removed the child from their home and placed custody with the State IV-E agency.

a. This may be initiated with a warrant or the filing of a petition or motion requesting custody of the child.

or

#### **Voluntary Placement Agreement**

DCFS01 form (available in SAFE) signed by both the parent(s) or the legal guardian(s), AND the caseworker, giving Child and Family Services temporary custody, care and placement responsibility for the child.

a. DJJS does not use Voluntary Placement agreements.

#### "Best Interest Language"

#### **Requirement:**

The initial (very first) court order that removes the child from the home, even temporarily, must include "best interest" or "contrary to the welfare of the child" language. A warrant for custody is considered the initial court order.

a. A transcript of court proceedings is the only acceptable alternative documentation.

#### **Examples:**

- 1. The child is without proper care, custody, or support, and immediate protective custody is necessary to prevent personal harm to the child.
- 2. The child is being placed in State custody due to the child's need for treatment, rehabilitation, and supervision.
- 3. Removal from the home is/was necessary to protect the child.
- 4. The child is without proper care and supervision.
- 5. Parents are unwilling or unable to protect the child.
- 6. There are reasonable grounds to believe that the child's condition requires that custody be immediately assumed to safeguard the child's welfare.

What doesn't work: Language indicating that the child is a danger to the safety of the community or that it is in the best interest of the community for the child to be placed in custody does not meet the best interest of the child requirement.

#### "Reasonable Efforts Language"

#### **Requirements:**

If a child was removed by court order, the court must make a finding of reasonable efforts within 60 days of removal in order for the case to be IV-E eligible.

> a. A transcript of court proceedings is the only acceptable alternative documentation.

#### Hearings that must take place within 60 days of removal

- Shelter hearing within 3 working days
- Pre-trial hearing within 15 calendar days b.
- Adjudicatory Hearing within 60 calendar days (if a c. decision is not reached prior to that time)

#### Reasonable efforts language needs to be child specific:

The federal requirement is that the steps to procure reasonable efforts be documented and specific to the child. This can be accomplished in either the court order or the petition. If the court order does not contain a description of the reasonable efforts made, the eligibility worker can use the petition or rap sheet, together with the court order, for determining eligibility. The "reasonable efforts to prevent removal" language must still be in the court order.

In cases where the court order does not contain child specific reasonable efforts language, the eligibility workers will need to obtain a copy of the petition or rap sheet to ensure that the reasonable efforts language requirement has been met.

#### **Examples:**

1. Reasonable efforts were made to prevent removal from the home or to prevent placement and these efforts include (Court order must specify what the reasonable efforts were)

2. Reasonable efforts have been made by the agency to prevent removal from the home.

3. Due to an emergency situation that amounts to aggravated circumstances, the lack of preventative efforts was reasonable.

- 4. Reasonable efforts to prevent removal from home are not required because:
  - The parent has subjected the child to aggravated a. circumstances as defined in State law, such as abandonment, torture, chronic abuse, and sexual abuse; or

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- b. The parent has committed murder or voluntary manslaughter of another child of the parent, or has aided or abetted, conspired, or solicited to commit such a murder or voluntary manslaughter; or
- c. The parent has committed a felony assault that results in serious bodily injury to the child or another child of the parent; or
- d. Parental rights of a sibling have been involuntarily terminated.

**What doesn't work:** "Reasonable efforts have been made to prevent removal and these efforts include (left blank)

#### **Amended Court Orders**

A court order may be amended to contain the reasonable efforts finding. When using an amended order, use the date the judge signed the amended order as the effective date. The judge must sign an amended order within 60 days of removal to meet the initial IV-E reasonable efforts language requirement.

#### "Nunc Pro Tunc Court Orders"

Nunc pro tune court orders are not allowed for determining Title IV-E eligibility.

#### "Court Related IV-E Effective Date"

For IV-E purposes, the effective date for a court order is the date of the signed court order. If the date of the hearing is referenced in the order, the hearing date is used. If the date of the hearing is not indicated, the date the order is signed by the judge must be used.

#### "Legal Requirements for Voluntary Placement"

**Requirement:** A child may be IV-E eligible for up to 180 days under a voluntary

placement agreement. The child may only remain IV-E eligible if a judicial determination is made with the required "best interest" language by the 181<sup>st</sup> day. The initial court order that gives custody to the State must include "best interest" language. Reasonable efforts language is not required. The voluntary placement agreement is considered to be reasonable efforts.

**Examples:** See page 23

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What about gaps: If t

If there is a gap of a few days in the expiration date of the voluntary agreement and the start of another voluntary agreement or a court order giving custody to the Division, it would not affect the IV-E eligibility of the child as long as the Division retains care and placement responsibility during that time. Placement and care responsibility means that the Division is legally accountable for the day-to-day care and protection of the child in foster care.

#### "Legal Requirements for Voluntary Relinquishment"

Voluntary Relinquishment means the voluntary relinquishing by parent(s) of their parental rights to the state without court involvement.

**Requirement:** 

**Prior to Entry into Care-** A child entering foster care due to a parent(s) voluntarily relinquishing parental rights may only be IV-E eligible if a court judicially removes the child from home by issuing a court order within six months of entry into care that includes the best interest and reasonable efforts language. The removal from the home would be considered a "judicial removal" and the reasonable efforts determination must be made in relation to removal of the child from the home.

While in Care- Parental Rights termination after entry into care is only applicable in determining ongoing deprivation of parental support and ongoing IV-E eligibility. After parental rights are terminated, a child is permanently deprived of parental support.

The eligibility file must contain a copy of the <u>SIGNED</u> court orders. Digital signatures on court orders are acceptable for IV-E and Medicaid purposes

# Does this "Reasonable Efforts" language meet the requirement for Initial IV-E eligibility?

1.	The court finds that the Divisions' actions we best interest of the child will be served by p of DCFS.	
2.	Yes No Continuation in the home would be contrary and reasonable efforts have been made to home, but those efforts have failed. The ef counseling and community outreach.	prevent placement outside the
3.	Yes No The court finds reasonable efforts have bee of the minor from the home and the efforts	
4.	Yes No The court finds that there is probable cause substantial danger by actions described an to the child exists.	
5.	Yes No Due to the existing emergency situation, whe circumstances, as defined in Utah Code, the reasonable.	
6.	Yes No A relative or other adult custodian with who parent is unable or unwilling to provide care whereabouts are unknown. Reasonable ef been unsuccessful.	e for the child. The parents'
7.	Yes No Reasonable efforts have been made to pre and these efforts include:ProbationDay/Night ReportingIndividual/Group CounselingFamily CounselingX_ Information regarding services not p	
	Yes No	

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8.	Reasonable efforts have been made by the family, Juvenile Court, Central Utah Counseling Center and DCFS to prevent removal of Jared from the home, including mental health services, youth services, and family preservation services.
9.	Yes No  Due to the existing aggravated circumstances, further pre-placement preventative efforts are not reasonable or necessary and/or would be futile. The court finds the following aggravating factors:  Undue depreciation of offense, lack of remorse, lack of amenability with lesser sanctions, lack of attendance or participation in educational programs.
10.	Yes No The court finds that the service plan is reasonable.
11.	Yes No An emergency situation existed at the time of removal such that the child could not safely remain at home, which situation justified removal without the provision of pre-placement reasonable preventative efforts.
12.	Yes No The Division's removal and placement of the children were necessary and in the children's best interest, and the Division made reasonable efforts to prevent removal of the children, as is described above; however, due to the existing aggravated circumstances, as described above, that existed at the time of the removal, further pre-placement preventive efforts were not reasonable or necessary and/or would be futile.
13.	Yes No The parents are hereby ordered to contact the Office of Recovery Services to determine reasonable contribution for the support of the children.
14.	Yes No Reasonable and persistent efforts have been made to prevent out of home placement, however, such efforts have been unsuccessful.
15.	Yes No Reasonable efforts have been made by DCFS/Other Agency to prevent placement outside of the home, including (left blank)
	Yes No

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16. The court finds that it is in need of additional information and assessments. Further, reasonable efforts to maintain the minor in his home have failed. The efforts include non-judicial handling of infractions committed by the minor.

Yes No

17. A child was removed from their home on March 29, 2004. Petition and shelter orders are dated April 3, 2004. There is no reasonable efforts language in the shelter order. Court order dated May 31, 2004, contains the following wording; Reasonable efforts were made to prevent removal from the home and these efforts include voluntary services provided to the family from January 2004 through March 2004.

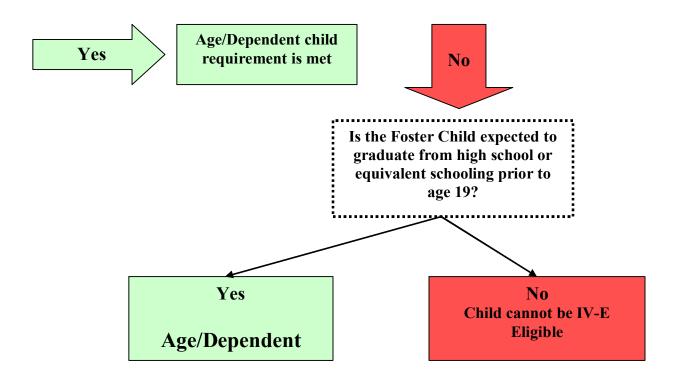
Yes No



#### IV-E Eligibility—AFDC Criteria, Dependent Child/Age

To be IV-E eligible, a foster child must be a dependent child, defined as a minor under age 18; or, a child between the ages of 18 and 19 in secondary school or training full time, and expected to graduate or complete training before turning age 19. IV-E eligibility discontinues when an 18 year old child graduates or ceases full time school or training.

#### Is the Foster Child under age 18?



# Citizenship Requirements

U.S. Citizens

Naturalized person will have a certificate of naturalization

If a U.S citizen adopts a child from another country, the child must meet all the requirements of the Feb. 27, 2001 rule:

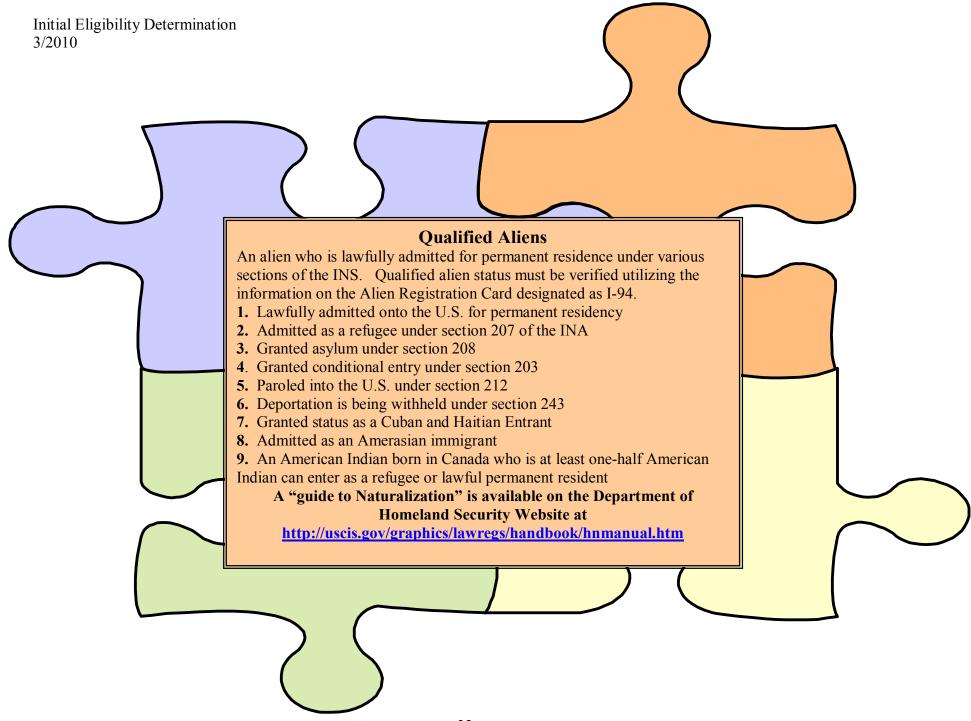
- 1. Adoption either in the U.S. or in any other country
- 2. U.S citizenship of at least one adoptive parent
- **3.** Permanent residence in the U.S.
- **4.** Residing in the legal and physical custody of a U.S. citizen parent
- **5.** Satisfaction of all criteria before turning 18 years of age

Born in any of the 50 states, the District of Columbia, or any of the U.S. Territories.

Puerto Rico

- Guam
- Northern Mariana Islands
- American Samoa

Swain's Island



## **Ethnicity and Tribal Information**

**Purpose:** Children and families have the right to be understood within the context of their own family rules, traditions, history and culture.

**Ethnicity** 





DCFS has the responsibility to record as accurately as possible the ethnicity of each foster child.

- # E-REP
- Court Order
- Application
- Caseworker
- \* SAFE

Use the information provided to you on the application unless you have reason to question the accuracy of that information.

#### **Eligibility and Indian Tribes**

- > To know if a child belongs to a tribe, use the ethnicity identified on the application unless information exists in another agency's system that leads you to believe the applications information is inaccurate. E-REP information regarding the ethnicity of a client is located on the ETRC screen.
- ➤ Tribe information should be indicated by the caseworker in SAFE on the person record. The tribe information must be entered in SAFE before ongoing data can be entered and saved. The eligibility worker cannot enter the IV-E data until the tribe information, for a designated tribal child, has been entered.
- ➤ The tribe information may be in the court order or petition.
- ➤ ICWA requires that the tribe be notified of placement of Indian children. The caseworker required to provide this notification to the tribe. The eligibility worker must know where the child is placed. Accurate placement information must be entered in SAFE by the caseworker.
- In some cases, the tribe licenses the tribal placements. The eligibility worker will need a copy of the tribal license for children placed in tribal placements. If a licensed tribal placement moves from the reservation, the placement must then

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apply to for a foster care provider license through the Utah State Office of Licensing. Check with the State Office if you have questions about the IV-E agreement with the tribe.

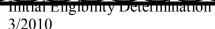
- ➤ If the State is not paying a cost of care payment to the placement, IV-E and Medicaid eligibility should be closed.
- ➤ Most tribal funds are exempt income. See income section of the IV-E policy manual for a complete list.
- > Tribal courts can order custody to a State agency.

#### How can I find out if the child belongs to a tribe?

- ➤ E-REP
- Caseworker
- Court Order
- > SAFE

#### IN THE UTE INDIAN JUVENILE COURT OF THE UINTAH AND OURAY FORT DUCHESNE, UTAH

FORT DUCHESNE, UTAH		
IN THE INTEREST OF:	} CASE NO: ———	
A minor child DOB	) DATE:	
	} JUDGE:	
	,	
	COURT MINUTES	
TYPE OF HEARING		
APPEARANCES		
FINDINGS AND ORDERS OF THE Best Interest language Reasonable Efforts language CUSTODY COMMITTED TO		
	THE STATE OF UTAH SOCIAL SERVICES. UTE INDIAN TRIBE SOCIAL SERVICES YOUTH CORRECTIONS OTHER	
DATE:		
BY THE COURT		
	Judge's signature	



# "Tahwe Tawuhchew"

# Ute Tribe Family Center Certifies

As a foster home For the Ute Tribe

From\_\_\_\_\_\_ To\_\_\_\_\_

Foster Care Certifier

Director

#### **Indian Child Welfare Act**

Indian Children have a unique political status not afforded other children as members of sovereign tribal governments. This political status, as well as the history of biased treatment of Indian children and families under public and private child welfare systems, is the basis for the enactment of the Indian Child Welfare Act of 1978.

The purpose of the Indian Child Welfare Act is to preserve and strengthen Indian families and Indian culture. ICWA establishes "minimum federal standards for the removal of Indian children from their families and placement in foster or adoptive homes which will reflect the unique values of Indian culture".

.

The substantive placement preferences in ICWA require that Indian children, once removed, be placed in homes that reflect their traditional Indian tribal values absent "good cause" to the contrary. The ICWA currently applies to four types of Indian child custody proceedings:

- 1. Foster care placements when the parent or Indian custodian cannot regain custody upon demand. The latter provision exempts ICWA application from voluntary religious or school placements, as well as voluntary placements with private or public agencies where the parent or custodian can regain custody at any time.
- 2. Termination of certain parental rights of the Indian child's parents or the custodial rights of the child's Indian custodian, including stepparent adoption proceedings and delinquency proceedings that lead to an attempt to terminate parental rights.
- 3. Pre-adoption placements.
- 4. Adoption placements that lead up to and culminate in the adoption of an Indian child. It imposes an obligation on both public and private adoption agencies to comply with its provisions.

State agencies should make a diligent effort to identify every child who is subject to ICWA. Congress, in enacting ICWA, recognized that the tribe has a direct interest in its children. The tribe is entitled to notice as a party because from an Indian perspective, a child is a sacred and precious resource that belongs to the entire tribe.

Exclusive jurisdiction is vested with the tribal court over any child custody proceeding involving an Indian child who resides on an Indian reservation or is a ward of the tribal court regardless of the child's residence. Concurrent jurisdiction with a tribal court and a state court may exist if the Indian child lives off the reservation.

For those cases in which the state courts do have jurisdiction, there are important qualifications put upon that jurisdiction:

### Initial Eligibility Determination 3/2010

- 1. In matters of adoption or termination of parental rights, the state must transfer the proceedings to tribal court upon petition by the parent, custodian, or tribe.
- 2. The state must follow priorities in the placement of Indian children, with the preference given to extended family members, then to members of his or her tribe, and then to Indian families generally.
- 3. Child-placing agencies must provide remedial, culturally appropriate services for Indian families before a placement occurs.
- 4. Tribes must be notified regarding the placement of Indian children.

Related links to websites <a href="http://www.dcfs.utah.gov/icwa.htm">http://www.dcfs.utah.gov/icwa.htm</a> <a href="http://www.icwlc.org/flowcharts.html">http://www.icwlc.org/flowcharts.html</a>

### **Utah Indian Tribal ICWA Coordinators**

Goshute Indian Tribe

(Confederate Tribes of Goshute

Reservations)
P.O. Box 6104
Ibapah, UT 84034
(435) 234-1178
Fax: (435) 234-1162

**Paiute** 

Tara Marlowe

440 North Paiute Drive Cedar City, UT 84720

(435)586-1112 Fax: (435) 586-7388

Navajo Nation

**Sslena Curley** 

Division of Social Services/ICWA Office

P.O. Box 1926

Window Rock, AZ 86515

(928) 871-6806

Website: www.navajo.org

Skull Valley Band of Goshute Indians

Lori B Skiby

2480 S Main St., Suite 110 Salt Lake City, UT 84115

(801)474-0535 Fax: (801) 474-0534

Webstie: www.skullvalleygoshutes.org

<u>Uintah & Ouray Tribe or Northern Ute Tribe</u>

**Minnie Grant or Venita Taveapont** 

P.O. Box 190

Ft. Duchesne, UT. 84026

(435)722-5141

Fax: (435)722-2374 or 5030

www.northernute.com

Ute Mtn Ute Tribe

Bruce Parry, Executive Director Kayla Hatch

P.O. Box 309 (970) 564-5302 (970) 564-5302

Fax: (435) 734-0424

Brigham City, UT 84302

707 South Main

E-Mail: bgparry@shoshonetribe.com

(800) 313-8241 or (435)734-2286

Northwestern Band of ShoshoneTribe

Division of Child and Family Services

Rodger Williams

Indian Child Welfare Program Manager

195 N 1950 W

Salt Lake City, UT 84116

(801) 696-4866

E-Mail: rodgerwilliams@utah.gov

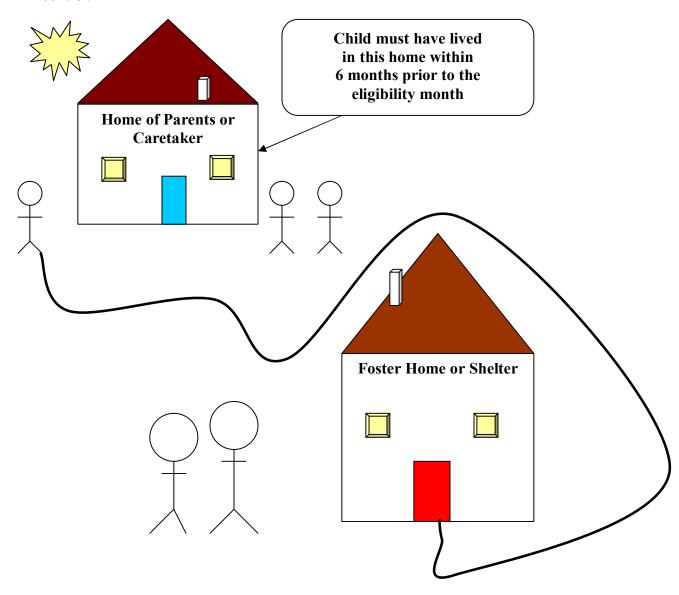
Fax: (801) 538-3993

### **Removal Requirements**

Except in cases of a "Constructive Removal," Title IV-E requires that a child be physically removed from the home within six months prior to or after the eligibility month.

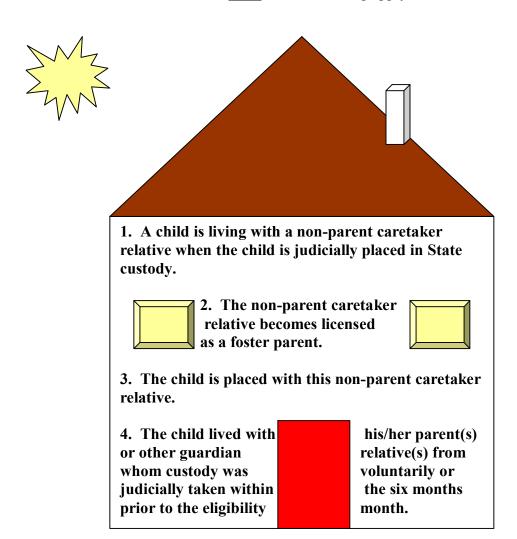
### Physical Removal

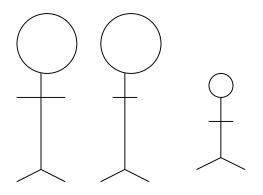
Physical removal means that the child is physically removed by the State from the child's current living arrangement and placed into another living arrangement under State control.



## Constructive Removal

Physical removal of the child is not required when a constructive removal takes place. Constructive removal occurs when <u>ALL</u> of the following apply:





### **Verification of Removal Home**

Who lost custody of the child?



- The home from which the child was physically removed is not always considered the removal home for IV-E purposes. Look for the person from whom custody was judicially or voluntarily given to the state.
  - ❖ Assume that this is the child's parent unless there a court order giving custody to another person, or another person was providing ongoing care and support over an extended period of time. Consult the State Office in cases where a person (other than the legal guardian) has been providing ongoing care and support without legal custody of the child.
  - Documentation of custody should be provided to or found by the eligibility worker if the person losing custody is not the parent. Copies of court orders or petitions containing custody information are the best way to support this.
- It is very important to insure that the removal home information used for the IV-E determination is accurate. Use the following to assist you in identifying the correct removal home.
  - Application
  - ❖ SAFE Activity Logs
  - ❖ 24 hour meeting information
  - ❖ E-REP CAAL logs
  - ❖ E-REP HOSU screen for eligibility month
  - Court orders or petitions

### **Caretaker Relative**



The child must have lived with the caretaker relative from whom custody was judicially taken or voluntarily given to the State during the eligibility month or within the 6 months prior to the eligibility month. If a newborn baby is placed into foster care directly from the hospital or after birth to a prisoner, the requirement for living with a caretaker relative is met. If the child has not lived with the caretaker relative within the 6 month requirement, the child cannot be IV-E eligible.

Eligibility Month: June 2005  Child I			nust have lived with the caretaker rela within this time frame			Dec 2004 To June 2005		
	Eligibility Month June 2005	1 month prior May 2005	2 months prior April	3 months prior March	4 months prior February	5 months prior January	6 months prior December	
	June 2003	111ay 2005	2005	2005	2005	2005	2004	

\*Note: Count in whole months

A caretaker relative is a relative with whom the child lives and who has ongoing responsibility for the care of the child. A caretaker relative includes any of the following:

- ➤ Biological parent, adoptive parent, or stepparent
- ➤ Brother or sister, including step-brother/sister, half-brother/sister, and adoptive brother/sister
- ➤ Aunt or uncle
- > Nephew or niece
- > First cousin or first cousin once removed.
  - a. A first cousin once removed is a first cousins' child
- Any of the above by half-blood, marriage (even if the marriage has ended as a result of death or divorce) or by preceding generations as denoted by the prefixes grand, great, or in combinations of these two prefixes.

A natural parent whose parental rights have been terminated by the court or voluntarily relinquished has no legal standing to the child and does not meet the caretaker relative requirement.

#### Removal from a Non-Caretaker Relative

A non-caretaker relative is a person that does not have a familial relationship to the child that meets the caretaker relative definition. If the person losing custody of the child is a non-caretaker relative the child cannot be IV-E eligible. Examples of non-caretaker relative include any of the following:

- Neighbor
- > Friend
- > Teacher
- ➤ Religious leader
- > Second cousin

### Reminder:

Don't just pull the caretaker relative information "out of the hat"! Make sure you have documentation that the caretaker relative had *legal custody* of the child. If not consult the State Office!



### **Constructive Removal Determination Worksheet**

Eligibility Month
Physical removal of the child is not required when a constructive removal takes place Constructive removal occurs when <u>"ALL"</u> of the following apply:
1. Was the child living with a non-parent caretaker relative when they were ordered into State custody?
YES go to question #2
NO Stop This is not a Constructive Removal
2. Is the non-parent caretaker relative licensed (probationary okay) as a foster parent?
YES go to question #3
NO Stop This is not a Constructive Removal
3. Is the child placed with this non-parent caretaker relative?
YES go to question #4
NO Stop
4. Did the child live with his/her parent or "other" legal guardian relative from whom custody was voluntarily or judicially taken within the six months prior to the eligibility month?
("Other" = A non-parent caretaker relative other than the relative licensed as a foster parent)
*Date last lived with Parent or "Other" Relative:
*Was last lived date, within six months prior to the Eligibility Month?
YES
NO
Did you answer "YES" to all of the above questions?
YES- Constructive Removal requirements are met for the purposes of IV-E
Eligibility

Initial Eligibility D 3/2010	etermination
NO	Constructive Removal requirements are not met. Constructive
	Removal does not apply.

### **Scenarios**

### Case #1

On Nov 9, 2004, a domestic violence incident occurred at the home of Ima Gem. The mother refused to go to the shelter with Ima, so as part of the DCFS safety plan the mother and father agreed to let Ima stay with her maternal grandmother. Because of the nature of the DV, the CPS worker asked the AG to petition the court for protective service supervision. The court ordered those services to begin on Dec 3, 2004. Ima did well in the home of her grandmother and the parents began participating in DV counseling. On Feb 23, 2005, another incident of domestic violence occurred while the parents were visiting Ima at the home of the grandmother. The police were called and the parents were both arrested. The parents refused to allow Ima to remain in the grandmother's care and the police called DCFS. The CPS worker placed Ima in protective custody and she was taken to the Christmas Box House. A shelter hearing was held 3 days later. At that hearing the judge granted custody to DCFS and ordered that she be placed with her grandmother.

be placed with her grand	nother.	
Type of removal	Physical	
	Constructive	
Removal home		
Date Ima last lived with	caretaker relative losing custody	
Within 6 months	of the eligibility month? Yes No	
AFDC group		
G		
Case #2		_
Daisy Mae was born at U	VRMC on Oct 31, 2004. Shortly after the birth her mother le	ft
the hospital against med	cal advice and has not returned. The mother did not provide the	he
hospital accurate inform	tion about her identity, address or how to contact her. Attempt	ots
±	cate the mother or relative of the child have been unsuccessful	
•	d DCFS. Daisy is placed in a shelter home when she is release	
*	etition for custody is filed. The court finds that Daisy is an	Ju
abandoned child and awa		
Type of removal	Physical	
- JP + +	Constructive	
Removal home		
Date Daisy last lived wit	n caretaker relative	
	of the eligibility month? Yes No	
AFDC group		

#### Case #3

Sometime in July 2001, Randee R left her 4 children with her mother. Randee said she was going out of town with a friend and would be back in 3 or 4 days. Six months later, Randee has not returned and the grandmother discovers that she has been arrested in

Initial Eligibility Determination 3/2010

Nevada and is awaiting trial on drug trafficking charges. Grandma continues to care for the children and consults an attorney about getting guardianship. Following his advice Grandma petitions the court and is awarded temporary custody and guardianship of all four children. The mother is sentenced to prison. On Sept. 24, 2003, the grandmother has a heart attack and dies. A friend of the family takes the children and cares for them, but after a few months she realizes that she cannot provide for them any longer. When the friend cannot locate anyone willing to take the children, she contacts the police who refer her to family services. The children are ordered into DCFS custody on Jan 3, 2004.

after a few months she realizes that she cannot provide for them any longer. When the friend cannot locate anyone willing to take the children, she contacts the police who refer her to family services. The children are ordered into DCFS custody on Jan 3, 2004.  Type of removal PhysicalConstructive
Removal home
Date last lived with caretaker relative
Within 6 months of the eligibility month? Yes No
AFDC group
Case #4  On July 5, 2004, Mickey, and Minnie were removed from the custody of their parents pursuant to a warrant issued by the 3 <sup>rd</sup> District Court. They were taken to the Christmas Box House where they stayed until the shelter hearing 3 days later. At the shelter hearing the judge awarded custody of Mickey and Minnie to an aunt and uncle who live in West Valley. The judge also orders that protective service supervision be provided. The parents agree to a service plan, but are often uncooperative and fail to follow through with court ordered recommendations. The aunt and uncle are caring for the children while also providing supervision for the parents' visits. On Nov 29, 2004, the aunt contacts her DCFS caseworker and indicates that she needs additional support to provide the care that Mickey and Minnie need. The caseworker refers her to the Foster Care Foundation and the aunt and uncle decide to become licensed foster parents. The necessary paperwork for licensure is completed and a probationary license is issued to the aunt and uncle on Dec. 10, 2004. On Dec. 3, 2004, the AG files a "Motion for Change of Custody" with the court. At the review hearing on Dec. 14, 2004, the court orders that it is in the children's best interest to be placed in state custody. Mickey and Minnie are placed in the home of their aunt and uncle.  Type of removal  Physical  Constructive  Removal home
Date last lived with caretaker relative
Within 6 months of the eligibility month? Yes No

#### Case #5

AFDC group

Tony H was picked up and placed in detention after vandalizing the facilities in the local park on January 13, 2005. Prior to being arrested, Tony was living with his girlfriend in the home of her mother. He moved there after a fight with his mother and father in Nov. 2004. Tony has two sisters who still reside with his parents. The County attorney reviews the charges and Tony's criminal history and then files a petition with the juvenile

### Initial Eligibility Determination 3/2010

and criminal charges. A hearing is scheduled for Feb. 17, 2005. At this hearing the judge determines that Tony is a danger to himself and the community and orders custody to the Division of Juvenile Justice Services. The judge also orders that an O&A evaluation be completed. Type of removal Physical Constructive Removal home Date last lived with caretaker relative Within 6 months of the eligibility month? Yes\_\_\_\_\_\_No\_\_\_\_ AFDC group Case #6 On Sept 14, 2004, Karen A walks into her local DCFS office with her 2 children. She tells the staff there that she can no longer provide for her children and wants to place give them to someone who can care for them. She signs a DCFS Voluntary Placement Agreement and the CPS worker accompanies her to the foster home with the children. She tells the caseworker that her husband left her 3 weeks earlier and she has no money, no job and has been evicted from the apartment she was living in. She does not know where her husband is, but suspects that he may have gone to Las Vegas with a friend. \_\_\_\_Physical Type of removal Constructive Removal home Date children last lived with caretaker relative Within 6 months of the eligibility month? Yes \_\_\_\_\_\_No \_\_\_\_

court on Jan 29, 2005. Tony is held in detention awaiting a court hearing on the petition

AFDC group

<sup>\*</sup>Answers on pages 136

### What is the Eligibility Month?

The eligibility month is defined as the **month the legal process to remove the child from the home began.** Examples include the initiation of court proceedings, typically a petition, warrant for removal, shelter order, or temporary physical custody request, or a voluntary placement agreement. When using rap sheets to identify the eligibility month, use the most recent petition or court action. When a previous order for custody has been stayed, use the motion, petition or court action just prior to the stay being lifted to determine the eligibility month. Do not use the month that the stayed order was issued.

The date the child enters foster care **does not** always determine the eligibility month.

- A child may be removed and placed in protective custody on May 31, the petition for custody is dated June 2 and the shelter order giving custody to the division is dated June 2. The eligibility month would be June. The petition date is when the legal process to remove the child began.
- In some DJJS cases the petition date can be months prior to the child's physical removal from the home. When a youth has numerous referrals for criminal activity, the County Attorney's office may file a petition. The petition (listed on the rap sheet) would determine the eligibility month, but the custody order and removal from the home would not occur until the court took action on the petition, which may be months later.

# Why do I need to know the Eligibility month?

- 1. The child must meet the AFDC criteria during the eligibility month.
- 2. The child must have lived with the caretaker relative who lost custody within the 6 months prior to the eligibility month.
- 3. The child must be physically removed from their home within six months prior to or after the eligibility month, (except in the case of a constructive removal).

# Where can I find information to determine the eligibility month?

- 1. Court documents (petitions, motions, temporary custody orders and warrants)
- 2. Rap sheets (obtained in CARE)
- 3. SAFE case information and activity logs



### **Examples**

#### Case 1

On Jan. 31, 2005, the police summoned a CPS worker to the scene of a drug bust. All of the adults at the home were being detained and transported to the county jail facility. An infant was also in the home, but police had not been able to determine who the parents of the child were. After consulting the AG, the CPS worker placed the child in protective custody and transported her to a foster home. A 24 hour meeting was held and the shelter hearing was scheduled for Feb. 3, 2005. The AG prepared a petition requesting that the court rule that it was in the best interest of the child to be placed in DCFS custody. The CPS worker and the AG signed and dated the petition on Feb. 2, 2005.

What is the eligibility month?

### Case 2

The court ordered that temporary custody of Alice and Snow be given to a maternal aunt on July 5, 2004. The division has been providing PSS services while working to reunify the girls with their mother. The aunt has developed some serious health problems and will not be able to care for the girls much longer. The mother was recently arrested and will most likely be spending 3-6 months in the county jail.

The aunt has discussed the situation with the caseworker and AG assigned to the case. A decision was made to take the girls into DCFS custody and find a foster home for them. The aunt is willing to keep the girls until a placement can be found. The AG prepares a motion requesting that the court grant custody to the Division. The motion is signed and dated by the AG on March 15, 2005. A review hearing for the PSS case is scheduled for April 21, 2005. On April 21, 2005, the court finds that it is in the best interest of Alice and Snow to be placed in DCFS custody.

What is the eligibility month?

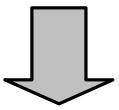
### Case 3

On April 22, 2005, the Orem City Police arrested Donald after he vandalized the picnic facility at a local park. At the time of his arrest Donald was on probation for similar offenses. His probation officer transported Donald to Slate Canyon Detention center. On April 26, 2005, a judge ordered Donald to serve 30 days for probation violation and scheduled another hearing for May 20, 2005. When the eligibility worker reviews the rap sheet she finds that Donald has a history with DCFS including one prior custody episode in May 2004. The probation officer filed a petition on May 10, 2005. On May 20, 2005, the court orders that Donald be placed in DJJS custody for placement at O&A.

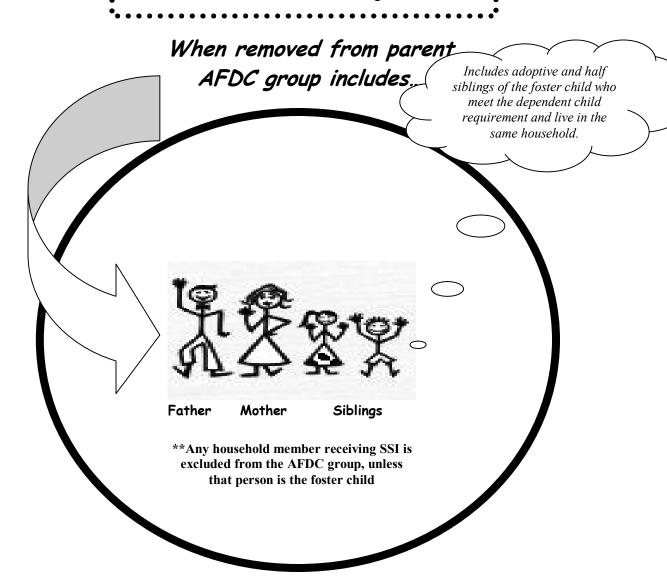
What is the eligibility month?

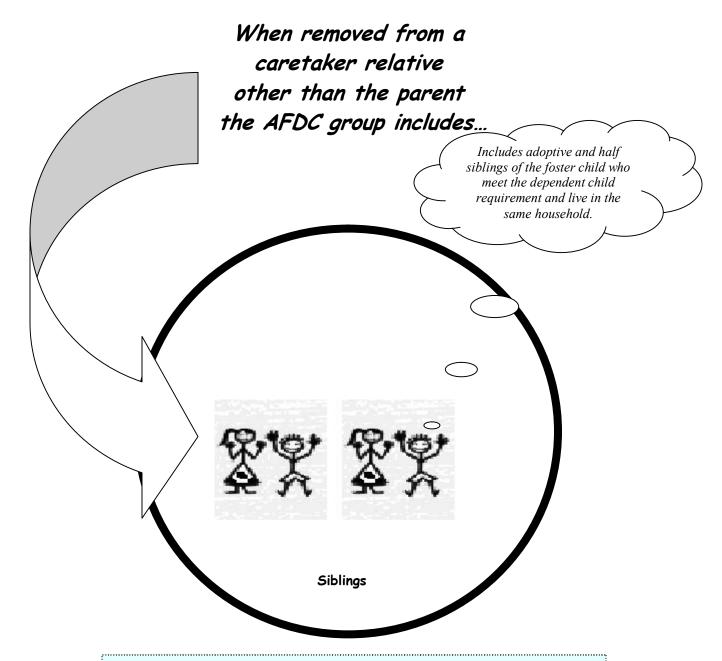
<sup>\*</sup>Answers on Page 135

### What is an AFDC Group?



The AFDC group (filing unit/household composition) for initial IV-E eligibility determination is the grouping of persons from the removal home whose income and resources are considered in determining financial need.



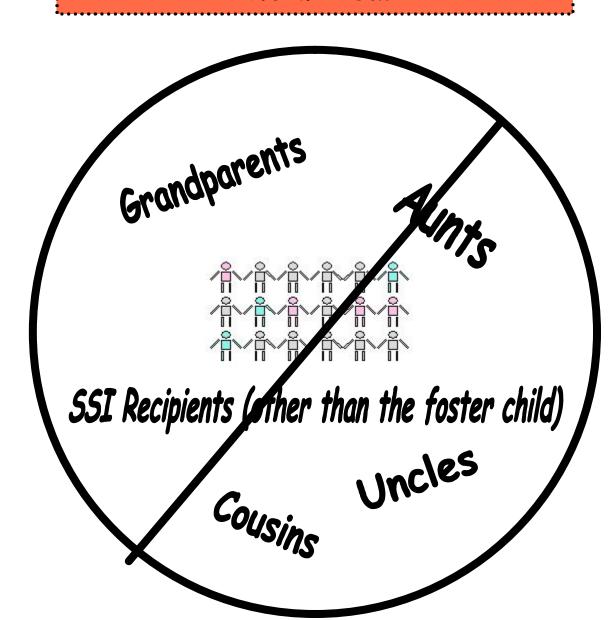


A child receiving adoption assistance, other than the foster child, **may** be excluded from the AFDC group. If the adoptive sibling is excluded from the AFDC group, their income and assets are not countable. If the adoptive sibling is included in the AFDC group, their countable income and assets would be included.

If the child receiving adoption assistance is the foster child, their income and assets are not countable.

Title IV-E Foster Care Eligibility Determination 2-10 E

# The Foster Child's AFDC Group <u>NEVER</u> includes...



A stepparent is not counted as a member of the foster child's AFDC group, but is a member of the stepparent AFDC group.



### Deprivation



Deprivation means that the child is deprived of the support of one or both parents.

Deprivation must exist in the removal home at the time of removal for a child to be determined IV-E eligible. There are four different forms of deprivation. It is only necessary to have one form for deprivation present in the removal home to meet the IV-E requirement for deprivation.

### **Continued Absence**

Absence from the home exists if the absence interrupts or terminates the absent parent's function as the provider of maintenance, physical care, or guidance for the child and the anticipated duration of the absence will prevent planning for the present support or care of the child.

- 1. Death of a parent
- 2. Separation or divorce, not living in the same house
- 3. Institutionalization or incarceration
- 4. Abandonment

Absence for military duty, employment, school or training is not deprivation. Also, if the parent is expected to return home with 30 days, deprivation is not present.

### Unemployment

A child living with both parents is deprived of parental support if the primary wage earner is unemployed and has not quit a job or refused a bona fide offer of employment within 30 days prior to the eligibility month.

A "primary wage earner" must be established for the custody episode before determining if unemployment or underemployment can be used as forms of deprivation.

### **Incapacitation**

If one of the parents is mentally or physically incapacitated, deprivation is met. The incapacity may be physical or mental illness or impairment. The incapacity must last for at least 30 days and must reduce the person's ability to work or provide care for the child. The incapacity must be documented in the eligibility case record.

- 1. A visually observable incapacity documented by the caseworker
- 2. A medical report from a physician
- 3. Recognition of disability by the Social Security Administration (SSI or SSDI)
- 4. Veterans disability benefits
- 5. Workers compensation disability benefits
- 6. A person working more than 100 hours per month would not be considered incapacitated, unless an SSI or SSA disability has been established.

### Underemployment

If a child lives with both parents, the child is deprived of parental support if the principal wage earner worked less than 100 hours during the eligibility month. If employed more than 100 hours during the eligibility month, the primary wage earner must have had less than 100 hours of employment in the thirty days prior to the eligibility month

### How can I verify deprivation?

### \* Continued Absence

- ✓ E-REP HOSU and CAAL screens
- ✓ SAFE CPS, PSS and SCF case logs. Family Structure selection in SAFE case, TPR date on adoption tab
- ✓ Petitions for Custody
- ✓ Rap Sheets
- ✓ CARE case information
- ✓ E-Find unemployment information
- ✓ Court orders
- ✓ Interface screens in E-REP or e-Find
- ✓ Medical reports from doctors, therapist or other professionals
- ✓ Application
- ✓ Parent Income/Asset Declaration

### Frequently asked questions?

- How long must a parent be in jail before it counts as deprivation?
  - A parent must be absent for at least 30 days
- What if there is a stepparent in the removal home?
  - If there were two parents in the home, even if one is a stepparent, deprivation for reason of absent parent would not be present.
- What if the person losing custody is a caretaker relative other than the parent?
  - Deprivation for the reason of absent parent would be present.
- In a two-parent household, can a stay at home mom be considered as the unemployed parent?
  - Only the primary wage earner can be considered for unemployment and underemployment forms of deprivation.

#### Reminder

Low income is not a form of deprivation. Even though the income of the AFDC group may meet the IV-E need standards, a form of deprivation needs to be present.

### Deprivation must exist in the removal home in order for the child to be IV-E eligible.

- Initially, deprivation must be determined at the time of removal.
- Deprivation must be during the eligibility month, but prior to the child's removal from the home.
- Deprivation may not be established based on household circumstances that occur after a child's removal.
- Deprivation must be present while the child is living in the home.

### Example

A child was removed from the home of her parents during a police drug bust. Both parents were living in the home at the time of the police raid. The parents are arrested and booked into jail. They cannot meet bail and remain in jail for the next 6 weeks.

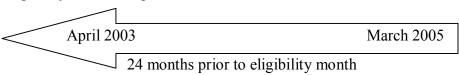
Initial deprivation cannot be established for reason of absent parent because both parents were in the home at the time the child was removed.



### Who is the "Primary Wage Earner"?

The primary wage earner is the parent who had the most earnings in the 24 months prior to the eligibility month. Use the best available evidence to make this determination. The principal wage earner must be re-determined if there is a change in the household composition. For example if a parent remarries the primary wage earner would be re-determined at that point in time.

Eligibility month is April 2005





### **Father's Earnings**

2/2003 = \$5,600 3/2003 = \$6,322 4/2003 = no earnings 1/2004 = \$1,387 2/2004 = \$5,900 3/2004 = \$7,322 4/2004 = no earnings

1/2005 = \$ 567

Total Earnings \$27,098

### **Mother's Earnings**

2/2003 = no earnings 3/2003 = \$2,333 4/2003 = \$6,998 1/2004 = \$8,350 2/2004 = \$ 898 3/2004 = no earnings 4/2004 = \$3,575 1/2005 = \$1,344

Total Earnings \$23,498



Father is the "Primary Wage Earner".

Wage information is available through e-Find and through WWEU. The parents' SSN will be needed to access the wage history information.

### **Deprivation Case Scenarios**

### Case #1

Molly M., DOB 2/3/1994, was placed in DCFS custody by court order on March 25, 2005. At the time the court ordered custody to DCFS, Molly had been living in the home of her Aunt Susan. Molly has been living there with her aunt since she was released from the hospital in July 1994. Molly's mother was a prisoner at the time of her premature birth. Her mother was transported back to prison shortly after the birth. The mother will be released on parole in Aug 2005. Aunt Susan had petitioned the court to terminate the mother's rights so that she could adopt Molly, but the petition was denied because the mother pled for time to "get her act together" after being released from prison. The court awarded temporary custody of Molly to Aunt Susan on July 13, 1999. The identity of Molly's father is unknown.

bail in the Utah County Jail until a hearing that is scheduled for July 1.

Does deprivation exist for Ann? \_\_\_\_\_\_ Yes \_\_\_\_\_ No

What form of deprivation, if any, exists for Ann? \_\_\_\_\_\_ Yes \_\_\_\_\_ No

What form of deprivation, if any, exists for Andy? \_\_\_\_\_ Yes \_\_\_\_\_ No

Who is the caretaker relative losing custody?

that her current boyfriend is Ann's father. On May 18, the boyfriend was arrested by the Orem City Police while attempting to steal a car. The boyfriend is being held without

#### Case #3

Wiley C., DOB 10/31/2003, was placed in DCFS custody on Dec 10, 2004, when his grandmother called DCFS to report that his mother and father had left him at her home on Oct. 31, 2004, and never returned. The parents had planned to vacation for 1 week and return to pick up Wiley. The grandmother has not heard from the parents since they dropped Wiley off. She has no way to contact them. The grandmother is no longer able to care for Wiley because her husband has suffered a stroke and will need extensive medical care and treatment. The parents are located in Sun Valley, Idaho, and served with the notice of removal. The CPS worker discovers that the parents have been living and working in Sun Valley, Idaho, since they left in Oct 2004. They report that they do not wish to have custody of their son returned to them because they are enjoying their

3/2010 newfound freedom. Neither parent is present at the shelter hearing that is held on Dec 13, 2004. Does deprivation exist?\_\_\_\_\_ Yes \_\_\_\_\_ No Does deprivation exist?\_\_\_\_ Yes \_\_\_\_ No
What form of deprivation, if any, exists?\_\_\_\_
Who is the caretaker relative losing custody? \_\_\_\_\_ Case #4 Dora E., DOB 11/15/1999, was placed in temporary custody on June 3, 2005, during a PSS review hearing. DCFS became involved with the family in Dec. 2003, after the mother was killed in a car accident. The family was returning to their home after the Christmas holidays when their car was hit by another vehicle from behind and pushed into oncoming traffic. The father was seriously injured in the crash and has been unable to work since that time. He remarried in Jan. 2005. He is currently receiving a monthly SSA disability payment and has filed a lawsuit against the person responsible for the accident. He is also working with Voc. Rehab in a job-training program. The stepmother works full-time as a paralegal. Does deprivation exist? \_\_\_\_ Yes \_\_\_\_ No
What form of deprivation, if any exists? \_\_\_\_
Who is the caretaker relative losing custody? \_\_\_\_\_ Case #5 Jordan, DOB 9/13/1989, was ordered into DJJS custody for O&A on May 13, 2005. His father and mother were present at the hearing. The father and mother are very concerned over Jordan's behaviors and relieved that the court has intervened. A local landscaping company currently employs the father. The mother has been employed full-time as a dental hygienist, but took an unpaid leave of absence in Jan. 2005, because of the problems they were having at home with Jordan. She has not worked since that time. The father work is seasonal and he has worked 18 of the past 24 months earning \$23,790. The mother is currently not employed. She is not receiving unemployment or actively seeking work. She has not quit a job or refused a bonafide offer of employment within the past 30 days. Prior to quitting her job she was earning \$10 an hour. In the past 24 months she has earned \$32,680. Does deprivation exist? \_\_\_\_ Yes \_\_\_\_ No
What form of deprivation, if any exists? \_\_\_\_
Who is the caretaker relative losing custody? \_\_\_\_

### **Case #6**

**Initial Eligibility Determination** 

On Feb 10, 2005, the police summoned a CPS worker to the scene of a drug bust. All of the adults at the home were being detained and transported to the county jail facility. An infant was also in the home, but police had not been able to determine who the parents of the child were. After consulting the AG, the CPS worker placed the child in protective custody and transported her to a foster home. The police later identified the father and mother of the baby girl as the people who owned the home where the raid had occurred. Both parents were charged with possession and distribution. Bail was set at a hearing on Feb 13, 2005. A 24 hour meeting was held and the shelter hearing was scheduled for Feb 14, 2005. The father and mother were transported to the shelter hearing from the jail.

### Initial Eligibility Determination 3/2010

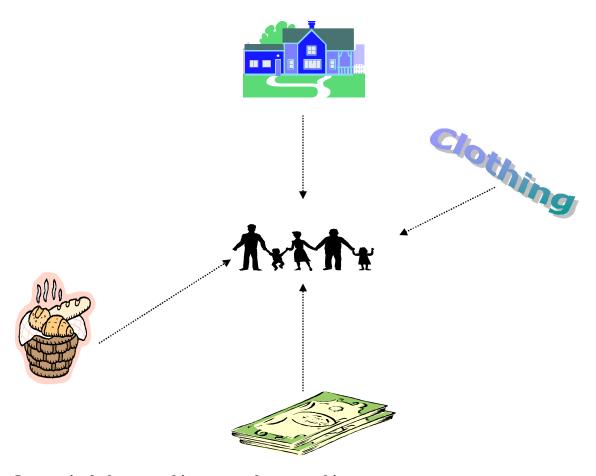
The court ordered custody to DCFS. The maternal grandfather paid the mother's bail and she was released from jail on Feb 22, 2005. The mother paid the father's bail on March 2, 2005. They are currently living in a local motel. The worker reports that the mother is not currently and to his knowledge has never been employed. Prior to his arrest, the father was working for a snow removal company. He returned to that company after his release. February was a really snowy month and he reports that he does not know how many hours he worked, but being arrested robbed him of all his overtime.

Does deprivation exist?\_\_\_\_Yes \_\_\_\_No
What form of deprivation, if any exists?\_\_\_\_
Who is the caretaker relative losing custody?\_\_\_\_\_

<sup>\*</sup>Answers on Page 139



# Income is cash or in-kind benefits a person receives.



### Income includes earned income and unearned income

- Earned income is income for which a person performs a service.
- ♣ Unearned income is income for which a person performs no service.

Count cash or in-kind benefits as income in the month they are received.



### **Earned Income**

Countable Earned	Earned Income Exclusions
Wages, tips, salaries, bonuses and	Incentive and training expense paid
commissions	under a client's plan with DWS
Monies from self-employment	Reimbursements from an employer
	for any work expense or allowance
	from an employer for travel and
	training
Severance pay (vacation and sick)	Earned Income Tax Credit
Training incentives and work	Income paid by the U.S Census
allowances	Bureau to temporary census takers
Sick pay and temporary disability	JTPA <u>earned</u> income of a dependent
insurance or temporary worker's	child
compensation which are employer	
funded	
Rental income, only if the owner to	Earned income of a dependent child
receive the income performs the	who is a full-time student
managerial duties	
Benefits received by a household	
member as a reward for service, such	
as free shelter, vendor payments,	
food, or any additional allowance	
given for shelter to a member of the	
armed forces	
Certain aliens must have sponsor	
income counted	





# Unearned Income

Countable Unearned Income	Unearned Income Exclusions
Pensions and annuities such as Railroad	Foster Care payments, adoption assistance
Retirement, Social Security, Veterans	payments, or cost of care payments for a
Administration, and Civil Service	child in State custody
Payments	
Disability benefits such as Industrial	All unearned in-kind income
Compensation, sick pay or Worker's	
Compensation, mortgage insurance and	
paycheck insurance	
Unemployment Compensation	Income of an SSI recipient
Strike or Union benefits	Current child Support (see IV-E policy2-
	16.B.4)
VA allotments, GI Bill	FEP income from DWS or JTPA unearned
	income of a dependent child
Child Support (after \$50 deduction) and	Cash gifts up to \$30 per household member
Alimony	in any one quarter
Money from churches, charitable	Travel or training allowances and
organizations, unions, friends or relatives	reimbursements
(except as noted as a gift)	
Trusts, inheritances, personal injury	Educational assistance and college work-
settlements & life insurance benefits	study with the exception of Veterans
	Educational Assistance intended for family
	members of the student
Tribal fund gratuities	Loans, including reverse equity loans,
	endorsed in writing for payment
JTPA needs based payments	Cash to pay for shared living expenses
Money from sales contracts/mortgages	Income tax refunds and Earned Income Tax
	Credit payments
Rental income if the rental property is	Trust funds not available on demand
managed by another individual or company	
for the owner	
	Food programs, such as Food Stamps,
	WIC, USDA surplus food, home delivered
	meals, or school lunch
	Y or Z funds paid by DWS
	Special payments (see complete list in IV-
	E policy 2-16.B.16)
	Certain Native American payments (see
	complete list in IV-E policy 2-16.B.17)

### Income Determination



Income eligibility determination is based upon the best estimate of income, AFDC group size and child care costs during the eligibility month. This determination is based upon the available information. Past income and consideration of changes during the eligibility month should be taken into account when determining AFDC group income. Information needs to be verified.

Use the parent and caseworker's reasonable expectations and knowledge of the circumstances during the eligibility month when determining income. The income information provided should be verified through a search of the available electronic resources. Document the AFDC group's earned and unearned income clearly in the case record.

#### **Income Tests**

#### First test=185%

The countable gross income for the AFDC group during the eligibility month must not exceed 185% of the AFDC Need Standard. Gross countable income is total income, earned and unearned, the AFDC group received during the eligibility month plus any deemed stepparent income. Do not count excluded earned and unearned income.

The gross income must be less than or equal to the 185% AFDC Need Standard. If the gross income passes the first income test, proceed to the second test. If the gross income is more than 185% of the AFDC Need Standard, the foster child is not IV-E eligible for this custody episode.

### Second Test=100%

The AFDC group's **countable gross income minus allowable deductions** must not exceed 100% of the AFDC Need Standard. This is determined by subtracting allowable deductions from countable **earned** income (can't be less than zero), and adding the adjusted earned income to the countable unearned income and any deemed stepparent income. Allowable deductions are:

- 1. **Work Allowance**-subtract \$90 from each employed person's earnings
- 2. **Day Care**-subtract allowable monthly costs from the earned income of the member of the AFDC group paying the expense

If the net income is less than the AFDC Need Standard, the household meets the income criteria for IV-E eligibility. If the net income is EQUAL to OR GREATER than the AFDC Need Standard, the household does not meet the income criteria for AFDC eligibility and the foster child is not IV-E eligible.

Initial Eligibility Determination 3/2010

DOH Medicaid Income policy and standards (Section 400) are located on the website <a href="http://utahcares.utah.gov/infosourcemedicaid/">http://utahcares.utah.gov/infosourcemedicaid/</a>

Table VII Income Limits for Medical Assistance and Medicare Cost Sharing is located on the website in the Tables Section.

Income limits for Foster Care Medicaid are only applicable to the child's income **unless** the foster child is in custody through a DCFS Voluntary Placement Agreement. If the child is in custody through a voluntary agreement, the income and assets and household size of the parent(s) must be taken into consideration when making a FC Medicaid determination.

185% and 100% AFDC Need Standards are located in the <u>IV-E Foster Care Eligibility Determination Procedures Manual</u> on page 12 or on the <u>Eligibility Worker Quick Reference.</u>

For an Initial IV-E eligibility determination, the income of the AFDC group is considered. For Ongoing IV-E eligibility only, the income of the foster child is considered. For review, the child's' income must not be greater than 185% of the Foster Care Needs Standard, which is \$1489 per month

#### **Factoring Income**

To calculate the gross earned income, use the following calculations when provided with a hourly or weekly or bi-weekly wage amount.

- $\Box$  Weekly amount X 4.3 = Monthly amount
- $\Box$  Bi-weekly amount X 2.15 = Monthly amount
- $\Box$  # hrs worked each week X rate of pay X 4.3 = Monthly amount

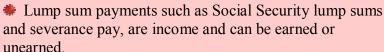
Independent Living Payments made directly to the foster child are countable unearned income and must be considered in determining the child's Medicaid Eligibility. The monthly IL payments to the foster child should be posted on the UNIN screen in E-REP using the "FC" income type.

Sources to obtain income information for the AFDC group and the foster child.

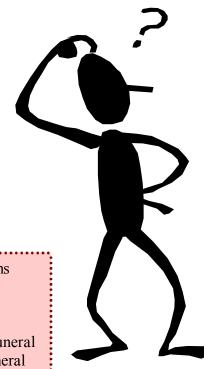
- ✓ E-Find
- ✓ E-REP
- ✓ WWEU Wage match verification
- ✓ Parent Income/Asset Declaration
- ✓ Application
- ✓ ORS
- ✓ WBPS Unemployment verification

### Lump Sum Payments For Initial Title IV-E Eligibility

Title IV-E Foster Care Eligibility Determination Procedures 2-15



Costs of legal fees paid to make the lump sum available as well as payments for medical or funeral expenses (if lump sum is intended to cover funeral and burial) are subtracted from the lump sum before determining income eligibility





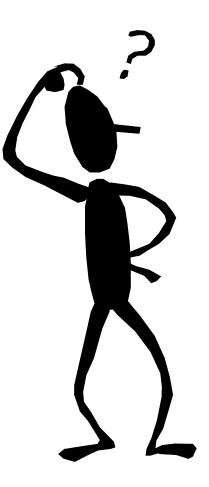
### Counting Lump Sums for Initial IV-E Eligibility

- \*\* Lump sums of countable earned or unearned income received by a member of the AFDC group during the eligibility month must be counted as income in the month received.
- \* If the lump sum belongs to the foster child and has not been fully spent during the eligibility month, any remaining portion is an asset for the child.
- \*A lump sum received prior to the eligibility month is not countable as income. The remainder of the lump sum is considered as an asset during the eligibility month.
- To not count any lump sum payments received by an SSI recipient as either income or an asset for the AFDC group.

Initial Eligibility Determination 3/2010

# **Lump Sum Payments For Medicaid Eligibility**

Medicald policy 407



Count the net lump sum payment as income for the month it is received. Any amount remaining after the end of that month is considered an asset.

#### **Family Programs**

SSA lump sum payments are exempt as an asset for **9 months** after the month of receipt

#### **Disabled Medicaid**

SSA & SSI lump sums are exempt as an asset **9 months** after the month of receipt

Cost of legal fees expended to make the lump sum available, payments for past medical bills, and funeral or burial expenses (if the lump sum was intended to cover funeral or burial expenses) are subtracted from the lump sum before determining income eligibility.

Any kind of lump sum payment of excluded earned or unearned income is excluded. If that kind of income is excluded, the lump sum payment is also excluded.

Do not count any lump sum payments received by an SSI recipient as either income or assets when determining if a child is eligible for Foster Care Medicaid.



### Deeming Stepparent Income

### **Deeming a Stepparent's Income**

Determining the amount of the Stepparent's income that is to be included as available income to the child. A stepparent (and stepchildren) living in the same household as the child, are **not counted** in the child's AFDC group.

### **Stepparent's AFDC Group**

The children of the stepparent <u>living in the home or living out of the home and</u> <u>not receiving child support</u> that are not biological (not children in common) or adoptive children to the other spouse and who meet the dependent child criteria.

### **How to Deem the Stepparent's Income**

- 1. Determine the stepparent's gross income (earned and unearned).
- 2. Determine the AFDC group size for the stepparent.
- 3. Subtract \$90 earned income work deduction if the stepparent is working.
- 4. Subtract the 100% AFDC Need Standard amount for the stepparent's AFDC group size.
- 5. Subtract any child support/alimony the stepparent is paying.

<b>Deeming stepparent's income</b> : Complete the following care	culation utilizing the
stepparent's countable gross earned and unearned income. (I	Oo not count stepparent
in the child's AFDC group size.) Stepparent's AFDC group s	ize:
Gross Monthly Countable Earned Income	\$
Minus \$90 Work Allowance (if applicable)	\$ <u>-</u>
Subtotal	\$
Add Countable Unearned Income	\$ <u>+</u>
Subtotal	\$
Subtract 100% Need Standard	
(For stepparent's AFDC group)	\$ <u>-</u>
Subtract any child support/alimony being paid	\$ <u> </u> -
<b>Total Deemed Income</b>	\$

### **Sources of Information**

#### **E-REP Screens**

HOSU UNIN EAIN

### **INTERFACE SCREENS**

### E-Find

Wage

UI Compensation

**ORS** Income

**ORS** Payment

Workers Compensation

SSA/SSI

### **Parent Income/Asset Declaration**

If either parent or stepparent (living in the same household as the child) was employed in the month, fill out the information listed below. If not employed, please enter "none."

Parent Name Where Employed Employment Average Hourly

Parent Name	V	Vhere Employed		loyment et Date		verage hours er week	Hourly Wage	Other
If either parent or steppar	ent (li	ving in the same ho	useho	d as the	child)	) is unemp	loyed,	
was unemployment comp	ensatio	on received for the i	month'	? Yes	No	)		
Name				Amount				
<b>Application</b>								
Caseworker states	ment							
stepparent's children who are under age 18 and <u>not</u> siblings of the foster child:  Number stepparent children <u>living in</u> the removal home <b>plus</b> number of stepparent children <u>living</u> <u>outside</u> of the removal home for whom <u>no</u> child support is being paid.  Number stepparent children <u>living outside</u> of the removal home for whom child support is being paid.  Amount of child support paid monthly  Earned Income: List income from working or self-employment for each member of the removal home including the foster child. If none, specify NONE.								
Full Name Employer Name and Address		d 	Wee Hou		Hourly Ra of Pay	M	Gross onthly come	
Unearned Income: Check type and list unearned income in the spaces below for each								
member of the removal h								
Social Security (SSA) Pension/Retirement Property Rental								
Supplemental Security Inco	ome (SS				ony (S		1.	
Tribal Funds Veteran's Benefits					(Stocks/Bon			
Other (specify) Child Support				Onei	пріоу	ment Benefi	ıs	
Full Name		Type of Income		How Of	Often Received Amo		ount	

### **Deeming Stepparent Income**

Daisy was removed from the home of her mother by court order on Nov 13, 2004. Daisy's father was killed in a car accident 3 years ago and her mother recently remarried. Daisy has two sisters who were also removed and then placed with a maternal aunt. The mother is employed part-time as a meter-maid. Daisy and her sisters each receive a monthly SSA benefit of \$230. The mother owns the home where the family is living. The stepfather does cement work and is employed by Rock Products, Inc. The parent income asset declaration reports the mother earns \$10 and hour and works an average of 15 hours per week. The stepfather reports his income at \$18 per hour and he says that he works an average of 45 hours per week in the summer, but work in the late fall and winter slows down and he is currently working about 32 hours per week. He has two children who live with his ex-wife. ORS collects child support from the father in the amount of \$300 each month. He reports that he also pays \$200 a month in alimony. Calculate the amount of the stepparent's income that should be included in the gross income calculation.

**.Deeming Stepparent's Income**: Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.) Stepparent's AFDC group size:

Gross Monthly Countable Earned Income	\$	
Minus \$90 Work Allowance (if applicable)	\$ <u>-</u>	
Subtotal	\$	
Add Countable Unearned Income	<u>\$</u> +	
Subtotal	\$	
Subtract 100% Need Standard		
(For stepparent's AFDC group)	\$	
Subtract any child support/alimony being paid	- \$	
Total Deemed Income	\$	

Peter was removed from the home of his father by court order on Dec. 26, 2004. At the time of custody, the father, stepmother and her three children were living in the home. The father was recently hurt on the job and has been unable to work for the past 6 weeks. Workers Compensation is investigating the accident and a disability decision is pending. The father has \$5,000 in a savings account. He recently sold his truck and a motorcycle to help meet the family expenses. The stepmother started working on Dec. 4, 2004. She is working at Maverick Country Stores, 25 hours per week. She received her first paycheck on Dec. 20, 2004. The gross pay is \$318.75. She expects to receive another check on Jan. 1, 2005.

Calculate the amount of the stepparent's income that should be included in the gross income calculation.

### Initial Eligibility Determination 3/2010

<b>Deeming Stepparent's Income</b> : Complete the following calcucountable gross earned and unearned income. (Do not count stepsize.) Stepparent's AFDC group size:	
Gross Monthly Countable Earned Income	\$
Minus \$90 Work Allowance (if applicable)	\$
Subtotal	\$
Add Countable Unearned Income	\$ <del>+</del>
Subtotal	\$
Subtract 100% Need Standard	·
(For stepparent's AFDC group)	\$ -
Subtract any child support/alimony being paid	\$ -
Total Deemed Income	\$

<sup>\*</sup>Answers on Page 142



# Dependent Care Costs

### **Income Tests 2-13 B.b**

### **Day Care**

Subtract the monthly cost of day care from the earned income of the member of the AFDC group paying the expense if the parent states they have dependent care costs and: (1) the day care expense is for a child or an adult member of the AFDC group, and (2) the day care expense is paid to a person not included in the AFDC group. The day care expense may be deducted up to the limits specified below:

1. Working an average of 100 hours or more per month or 23 hours or more per week:

Child Under Age 2 \$200 per person Age 2 or Over \$175 per person

2. Working an average of less than 100 hours per month or 23 hours or less per week:

Child Under Age 2 \$160 per person Age 2 or Over \$140 per person

Do not deduct dependent childcare costs being paid by the Department of Workforce Services.

#### Source of Information

#### E-REP

CAAL documentation Child Care screens

EAIN

**HOSU** 

#### E-Find

Wage

### **Parent Income/Asset Declaration**

Did you have monthly dependent child care expenses? Yes No Monthly Amount?

### Application

Caseworker Statement

**Dependent Care Expenses:** List costs of day care required due to employment of any household members of the removal home (and not paid to a household member).

Number of children under age 2	Total monthly cost	\$
Number of children age 2 or over	Total monthly cost	\$

### 

If the net income is less than the AFDC Need Standard, the household meets the income criteria for AFDC eligibility. If the net income is EQUAL TO or GREATER THAN the AFDC Need Standard, the household does not meet the income criteria for AFDC eligibility and the foster child is not IV-E eligible.

### **Dependent Care Cost Scenarios**

- 1. Mickey, age 2,and Minnie, age 5, were removed from the custody of their mother. The mother reports that she is working 35 hours per week earning \$8.50 per hour. The mother reports that she pays \$550.00 per month in child care costs. What is the allowed dependent care cost deduction?
- 2. Daisy, age 4, was removed from the custody of her father. The father reports that he is self-employed working 15 to 20 hours per week. The father states he is paid a salary of \$1,500.00 each month. He reports day care cost of \$90.00 per month. What is the allowed dependent care cost deduction?
- 3. Heaven, age 10, Steven, age 8, Jody, age 6, and Hannah, age 3, were removed from the custody of their mother. The father is deceased and the mother is receiving SSA benefits that total \$1650.00 each month. The mother is not currently working. She reports childcare costs of \$350.00 each month. What is the allowed dependent care cost deduction?

<sup>\*</sup>Answers on Page 144





- \* \$10,000 Asset Limit to be eligible for Title IV-E.
- \* \$2000 Asset Limit for Children's, and Newborn + Medicaid Programs (HH size 1). Below \$2,000 anytime during the month.
- \* \$2,000 Asset Limit for Blind and Disable Medicaid Programs (HH size 1). Below \$2,000 on the first moment of the month.
- \* No Asset limit for NB Medicaid Program (under age 6).

IV-E asset policy is located in the <u>IV-E Foster Care Eligibility Determination Procedures Manual on page 20.</u>

Medicaid policy is located in policy #500 on-line at <a href="http://utahcares.utah.gov/infosourcemedicaid/">http://utahcares.utah.gov/infosourcemedicaid/</a>

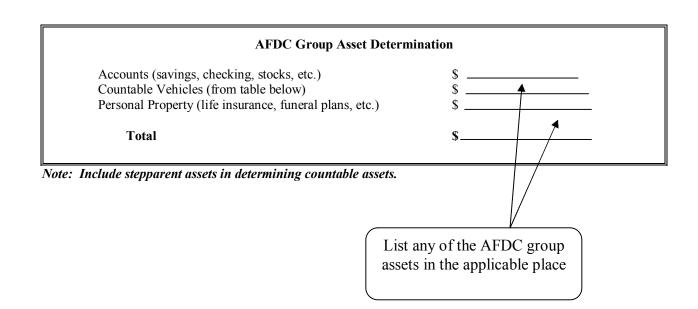
- Initial IV-E Eligibility Asset limit applies to the AFDC group
- Ongoing IV-E Eligibility Asset limit applies only to the foster child
- Foster Care Medicaid eligibility is determined by the assets of only the foster child <u>unless</u> the child is in custody through a voluntary placement agreement. If the child is in custody through a voluntary placement, the parent income and assets must be considered for Foster Care Medicaid eligibility.

Count only assets that are available to the AFDC group. Assets are available when an individual legally owns the asset and has possession of the assets. If legal factors hinder making the asset available, the asset is exempt.

When a person in the AFDC group and someone who is not in the AFDC group jointly own a bank account, count all of the funds as an asset for the person in the AFDC group, if the AFDC group member can legally use the funds in the account. If one account holder is in the AFDC group and another account holder is not, but is receiving FEP assistance, divide the funds equally.

If more than one person owns property, determine the share that belongs to the person in the AFDC group.

<u>Countable</u>	<u>Exempt</u>
Liquid assets-Checking accounts	One home and it's contents that are
Savings accounts	essential to daily living and the surrounding
Stocks	property
Bonds	
Trust Accounts	
Motor Vehicles-Cars	\$1500 equity value for one car or motor
Trucks	vehicle
Snowmobiles	
Motorcycles	
Boats, Campers, Trailers	Beneficial Interest for land or accounts
	held in trust by the United States
Instruments & Tools	Payments made under Public Law
Livestock	Earned Income Tax Credit (EITC)
Merchandise, Inventory	Burial Trusts or funeral fund exemption for
	up to \$1500.00 per AFDC group member
Time Shares/Time Share Agreements	Education Assistance
Certain aliens who have been legally	Income Producing Property
admitted in the U.S must have assets of	
their sponsors counted	
Real property including land, houses,	Bona fide loans
buildings and trailer homes	



#### Vehicles:

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$	\$	\$
Minus Amount Owed	<b></b>		
Value	\$	\$	\$

Exclude up to \$1,500 for one vehicle and add together all remaining values.

Total Countable Vehicles \$\_

To calculate the value of a vehicle find the trade-in value and subtract any amount owed. The result will be the equity value of that vehicle. Example: Car is worth \$7700.00 Family owes \$6300.00 Total equity value is \$1400.



After calculating the equity value of the vehicles you may deduct up to \$1500 of the value for one vehicle for the IV-E calculation

#### Example:

Two cars valued at \$980.00 and \$300.00 each. You may deduct \$980.00 from the total to arrive at the total countable vehicle

#### **Sources of Asset Information**

- ✓ E-REP
- **✓** UCJIS
- ✓ E-Find
- ✓ Parent Income/Asset Declaration
- **✓** Application

<sup>\*</sup>E-Find is the preferred source for current vehicle value information.

#### **Asset Worksheet**

#### Scenario #1

Mork and Mindy were removed from the home of their mother and father by court order on Feb 27, 2005. At the time of removal, the father was working for the traveling carnival and the mother was arrested and released from jail 3 days later. The family had been living with the paternal grandparents. The paternal grandparents own their own home. The grandmother has stated that the mother is not welcome in her home. The grandmother completed the Parent Income Asset Declaration. She reports that the mother does not work. The father owns a truck, which the grandmother says she has been making the payments on. The truck is a 2003 Ford F-150, worth about \$8,000 according to the GM. She states that the father still owes \$3,500. The father also purchased a piece of property about 3 years ago. They plan to build a home on the property in the future, but currently they are using it to board the neighbors' horses. The property was purchased for \$12,000 with an insurance settlement. Calculate the assets of the AFDC group.

AFDC Group Asset Determination			
Accounts (savings, checking, stocks, etc.) Countable Vehicles (from table below)	\$ \$ +		
Personal Property (life insurance, funeral plans, etc.)	\$ +		
Total	\$		

Note: Include stepparent assets in determining countable assets.

#### Vehicles:

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$	\$	\$
Minus Amount Owed			
Value	\$	\$	\$

Exclude up to \$1,500 for one vehicle and add together all remaining values.

Total Countable Vehicles \$\_\_\_\_\_

#### Scenario #2

Flopsy was removed from the home of her mother and placed in DCFS custody by court order on Jan 3, 2005. Flopsy may have pinkeye and needs to see a doctor as soon as possible. The mother is currently unemployed and reports owning a 1999 car. She doesn't know the make or model of the car, but she did report that she recently got a "title loan" of \$1500 to cover her rent and other "stuff." There is \$535.00 in her checking account. The mother has an open E-REP case, which indicates that the car is a 2000 Toyota Corolla. The car registration is listed in the mother and her ex-husband's name. The value of the car is currently \$4,500. The mother is living in a trailer home that she owns. She pays \$300 each month for space rental. The mother is holding her exhusband's tools "hostage" for child support she claims he owes. The ex-husband reports the tools are worth \$2,500 and has filed suit to have them returned to him. Calculate the assets of the AFDC group.

AFDC Group Asset Determination				
Accounts (savings, checking, stocks, etc.)	\$			
Countable Vehicles (from table below) Personal Property (life insurance, funeral plans, etc.)	\$ <del>+</del> \$ <u>+</u>			
Total	\$			

Note: Include stepparent assets in determining countable assets.

#### Vehicles:

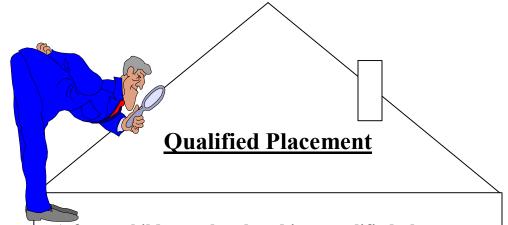
	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$	\$	\$
Minus Amount Owed			
Value	\$	\$	\$

Exclude up to \$1,500 for one vehicle and add together all remaining values.

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<sup>\*</sup>Answers on Page 145

## **IV-E Placement Requirements**

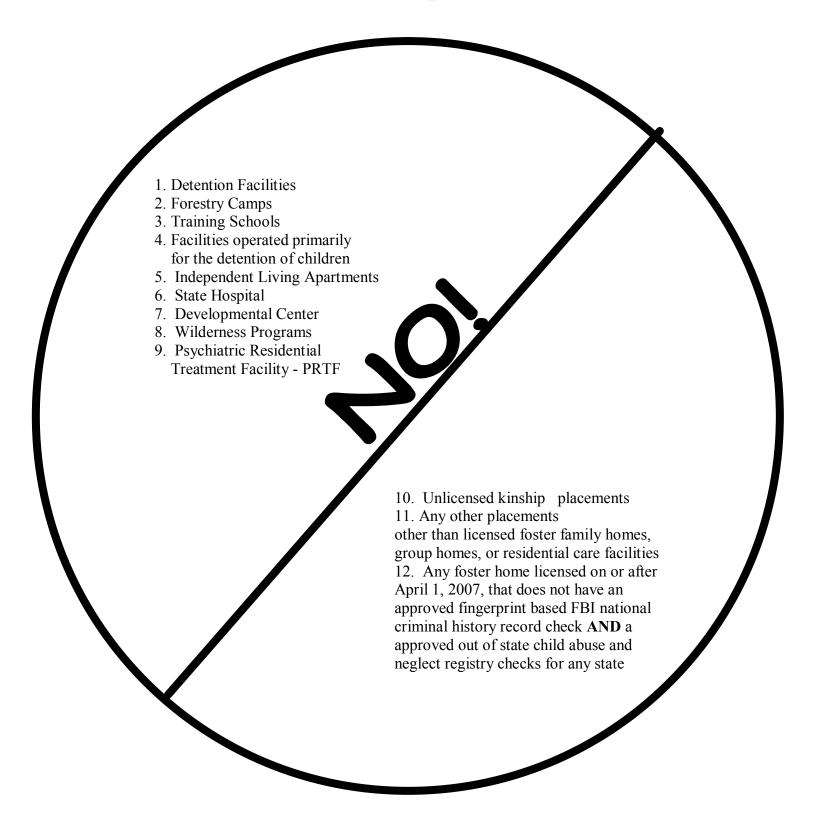


### A foster child must be placed in a qualified placement

- 1. Licensed Foster Family home (non kin)
- 2. Private non-secure group homes
- 3. Residential care facilities of any size
- 4. Public childcare institutions accommodating 25 or fewer children
- 5. A foster family home that does not meet the criminal background clearance requirements outlined in IV-E policy 3-3
- 6. No denial for runaway
- 7. Foster homes licensed on or after April 1, 2007, must have an approved fingerprint bases FBI national criminal history record check **AND** approved out of state child abuse and neglect registry checks for any state where the family has resided in the past 5 years.



# Placements that do not meet Qualified Placement Requirements





## Criminal Background Screening

A child who is in the legal custody of the state may only be placed with prospective foster parents who have passed criminal background screening requirements as defined in state law and licensing rules.

**Prior to April 1, 2007**, background screening for foster or adoptive parents and any adults living in the home consisted of:

- 1. Bureau of Criminal Investigation Report for Utah;
- 2. Utah child abuse and neglect registry check;
- 3. Utah adult abuse and neglect registry check; and
- 4. If the foster or adoptive parents or any adults in the home lived outside of Utah for at least 28 consecutive days within the previous 5 years, a fingerprint based FBI national criminal history records check. The FBI check is also completed if individuals self-disclose a crime outside of the State of Utah, the Utah BCI shows a multi-state offense, or if the individual has an out of state driver license.

Note: The above background screening requirements continue to be required for renewal of foster family homes licensed prior to April 1, 2007.



**Beginning April 1**, **2007**, initial background screening for prospective foster or adoptive parents of a child in state custody and any adults living in the home consists of:

- 1. A fingerprint based FBI national criminal history records check for each foster or adoptive parent and each adult living in the home;
- 2. Bureau of Criminal Investigation Report for Utah;
- 3. Utah child abused and neglect registry check;
- 4. Utah adult abuse and neglect registry check; AND
- 5. If the foster or adoptive parents or any adult living in the home resided outside of Utah in the five years prior to the date of application as a foster parent, a child abuse and neglect registry check for each adult living in the prospective foster home for each state in which they resided.



Qualified providers must also be fully licensed to meet the IV-E placement requirements except as noted below in #6.

- 1. A foster home or private non-secure group home or residential care facility must be licensed by the **Department of Human Services Office of Licensing or Department of Health Facilities Licensure.**
- 2. If the foster home or facility is located on reservation/tribal lands, the home or facility may be approved by a tribal Social Service agency if specified in an agreement between the State and the tribe. If the foster home that is licensed by a tribal agency moves from the reservation/tribal lands, the home would then have to be licensed by the **Department of Human Services Office of Licensing or Department of Health Facilities**Licensure.
- 3. A public childcare institution accommodating 25 or fewer children must be licensed by the **Department of Health Facilities Licensure.**
- 4. Out of State providers must be licensed or approved by that State. A copy of the out of state providers licensure must be included in the IV-E case record. A copy of the approved ICPC form should also be included in the eligibility record.
- 5. Pending, probationary, or lapsed licenses for foster family homes do not meet the licensure requirement for IV-E eligibility. A foster family home must be fully licensed to meet this requirement. Foster family home licenses with a current variance or sanction may not be considered fully licensed. Please check with the State Office in these circumstances.
- 6. Children placed with qualifying kinship who are in the process of becoming licensed as foster parents through the State meet the IV-E eligibility placement requirement, as long as they complete licensure requirements within the normal time frame for licensing foster family homes. "In the process of becoming licensed" means that the Office of Licensing has issued a probationary license to the kin family. Currently the recommended time frame for licensure is 6 months.
- 7. A copy of the appropriate provider license must be included in the IV-E

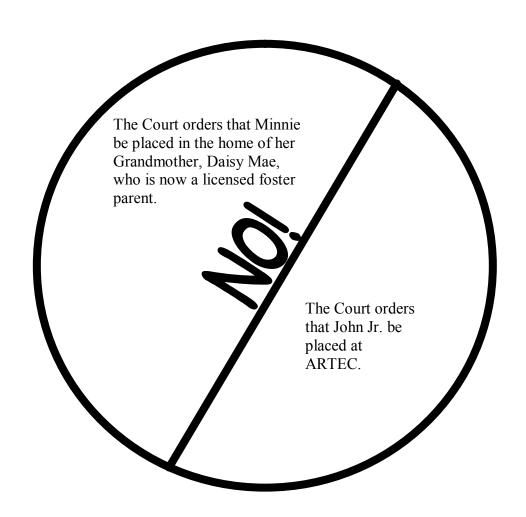
## **Legal Requirements Care and Placement Responsibility**



The State agency or Tribe that has been awarded custody of the foster child must be responsible for the care and placement. This means that the agency must be able to determine the placement for the child. If the court orders the foster child into a placement or orders a foster child to not be removed from a placement without court approval, the court has taken care and placement responsibility from the agency and the foster child cannot be IV-E eligible during the time that the court has care and placement responsibility.



### Court Order Language that takes Care and Placement Responsibility from the Custodial Agency





### Preliminary Placements

#### Overview

- \* Child and Family Services may place a child in custody into a preliminary placement with a kinship caregiver (non-custodial parent, relative, or licensed foster parent who is a friend or extended relative of the custodial parent or guardian).
- A preliminary placement is used to keep a child in Child and Family Services custody safe while the Child and Family Team makes decisions regarding the child's ongoing care and determines what steps are necessary to promote the safety, well-being, stability, and permanency of the child.
- A preliminary placement may be made while a child is in protective custody prior to a shelter hearing or after a court has ordered a child into the custody of Child and Family Services. A preliminary placement may continue while an evaluation is conducted and a plan is formed for ongoing care of the child.
- \* Criteria for approving a kinship caregiver for preliminary placement include background screening, assessment of safety, limited home inspection, general qualifying criteria, and may include a reference check.
- The kinship caregiver is responsible to meet the basic needs of the child while in their care. The caseworker will educate and assist the kinship caregiver on possible financial and medical resources to support the child's needs.

#### Placement Coding in SAFE

- \*\* When the court orders a child into Child and Family Services custody, an SCF case will be opened in SAFE.
- The caseworker will open a preliminary placement with a non-custodial parent or relative in SAFE using the BHR code. The caseworker will open a preliminary placement with a friend who is a licensed foster parent under the foster care placement code appropriate for the child's level of need and the provider's level of training.

#### **Financial Support**

#### \* Child Support – Office of Recovery Services (ORS)

✓ If a child is placed with a non-custodial parent, that parent may contact ORS to have an existing child support case reviewed to determine if child support payments may be discontinued or reduced or may apply to establish a child support case.

✓ If the child is placed with a relative, the caseworker should inform the relative that when a child is ordered into Child and Family Services custody, the court also orders the parent from whom the child is removed to contact ORS to establish a child support case to reimburse the state for cost of care. Some relatives are hesitant to apply for public assistance and to sign the required Duty of Support form when applying for financial or medical benefits because of fear it will result in the person from whom the child was removed having an obligation for child support. The relative needs to understand that the court already ordered this financial obligation when the child was taken into custody, and the relative receiving a specified relative grant does not add to that financial obligation.

#### Public Assistance – DWS

- ✓ A non-custodial parent may apply for financial assistance, food stamps, or childcare through DWS. Income and assets of all members of the household will be considered for determining eligibility.
- ✓ A relative may apply for specified relative financial assistance to care for a related child through DWS. Eligibility for specified relative assistance is based only on the income and assets of the child. The relative needs to understand that when completing the application, they should indicate on the form that assistance is only being requested for the relative child so that the income and assts of all members of the household are not considered for determining eligibility.

#### \* Child's Unearned Income – Social Security or Supplemental Security Income

✓ When a child in Child and Family Services custody receives unearned income, such as SSA or SSI, Child and Family Services will become the representative payee for the child's income as specified in practice guidelines. If the child is placed with a non-custodial parent or relative in a preliminary placement, the caseworker will authorize payment of the child's monthly income from the representative payee account, minus \$35 for special needs, to the non-custodial parent or relative to pay for the child's care. The kinship caregiver will keep a record of the use of the funds. The caseworker will authorize use of the special needs funds according to the needs of the child.

#### Foster Care Payment

✓ A friend or relative who is licensed as a foster parent and selected for placement of the child will receive a foster care payment appropriate for the child's level of need and the provider's level of training.

#### \* Special Needs Payment

✓ Special needs payments may be made for children who are in a preliminary placement with a kinship caregiver, according to limits for children in out of home care, if other resources are not available to meet those needs.

#### **Medical Support**

\* Health Care Resources: A kinship caregiver that is not a licensed foster parent is responsible to seek resources to pay for health care for the child while in a preliminary placement.

#### \* Medicaid and Children's Health Insurance Program (CHIP)

✓ Child and Family Services eligibility workers cannot issue Medicaid for a child who is in a preliminary placement with a non-custodial parent or relative who is

- not a licensed foster parent; however, the caseworker is still responsible to submit the DCFS Title IV-E and Medicaid Application within 30 days after the child is placed in Child and Family Services custody so an initial Title IV-E/Medicaid eligibility determination can be completed. A child who is placed in a preliminary placement or ongoing placement who is a licensed foster parent is eligible for foster care Medicaid.
- A non-custodial parent or relative may apply for Medicaid or CHIP for the child through DWS. Income and assets of all persons in the household will be considered for determining eligibility for the child who is placed with a non-custodial parent. Income and assets of the child only will be considered for determining eligibility for a child who is placed with a relative. Medicaid may be requested on the same application submitted for financial assistance.
- ✓ When submitting an application for Medicaid, a non-custodial parent or relative should request that the application for Medicaid be retroactive to the date the child was placed in the home. This is allowable for up to 90 days.

#### Trivate Medical Insurance

✓ A non-custodial parent or relative may be able to provide for the child's health care needs by adding the child to their own private medical insurance, when allowed by their insurance company.

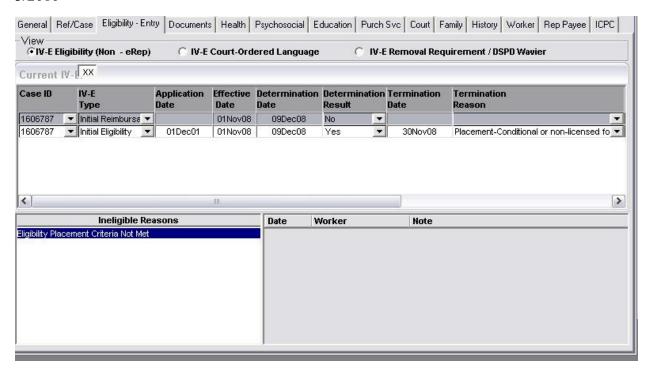
#### **\* MI706**

✓ The DCFS eligibility worker may issue an MI706 to the end of the month following the month a child is ordered into Child and Family Services custody, if the child is not enrolled in Medicaid when removed from the home. After that time and only as a last resort, the caseworker may request an MI706 from the fostering Health Children nurse for specific health care needs of the child and for medical, dental, or mental health examinations required by Child and Family Services that the non-custodial parent or relative cannot pay for through other available resources. The non-custodial parent or relative should have applied for Medicaid, including requesting retroactive coverage, before an MI706 is requested or issued by a nurse.



#### **Eligibility Worker Preliminary Placement Process**

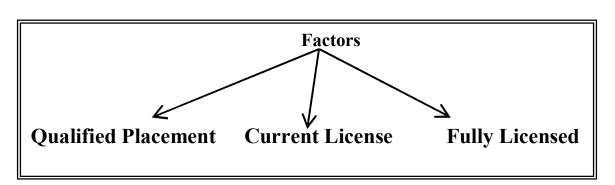
- Every child in Child and Family Services custody should be issued a 695 P or MI706, depending on the child's Medicaid status, at the time the eligibility worker is first notified that the child is in custody.
  - ✓ Copies of 695P or MI706 should be provided to the caseworker and Fostering Healthy Children nurse.
  - ✓ 695P or MI706 information must be entered in SAFE on the person screen, health tab.
  - ✓ An MI706 for a child in a unlicensed preliminary placement should be issued with an end date of the last day of the month following the month the child enters Child and Family Services custody, up to 60 days.
  - ✓ If a child is Medicaid eligible at the time they are placed in Child and Family Services custody, the eligibility worker will issue a 695 P to the end of the current month. At the end of the month, the eligibility worker will review the Medicaid eligibility of the child and issue another 695 P if Medicaid eligibility continues. If the Medicaid eligibility had ended a MI706 should be issued for the next month if the child is in a preliminary placement.
- An initial IV-E and Medicaid determination must be completed for every child in Child and Family Services custody. SAFE and E-REP entry of the initial determination information is required.
  - ✓ For a child who is in an unlicensed preliminary placement and not eligible for Foster Care Medicaid the Medicaid application will be registered in E-REP and the Medicaid eligibility denied.
  - ✓ If the child meets the initial IV-E requirements, the initial IV-E eligibility in SAFE will be "Yes". If the child has been in an unlicensed preliminary placement since entering DCFS custody, the IV-E eligibility will end at the end of the first month using the reason "Placement Probationary or Non-Licensed Placement". Initial IV-E reimbursability will be "No", using the ineligible reason of "Eligibility Placement Criteria Not Met".



- \* Ongoing IV-E and Medicaid eligibility for children in preliminary placements will be determined month-to-month depending on placement status.
- \*\* Once the child is moved to a licensed placement or the kinship placement is licensed (probationary or full) the eligibility worker will take the appropriate action regarding the IV-E and Medicaid status.
  - If the Medicaid has been closed or was denied more than 30 days ago due to a preliminary placement, a new Medicaid application will not be required unless the closure or denial was several months in the past.
    - In e-Rep, update the necessary foster care evidence, usually changing the
      foster care maintenance payment indicator to a "yes". The Non-AFDC
      indicator should also be updated as necessary. The SAFE to e-Rep
      interface will update this evidence monthly one day prior to 10 day
      notice.
    - Set an alert on the DWS case to notify that worker that the placement is now licensed and receiving a foster care maintenance payment. DWS will take the appropriate action for that case.
      - ✓ If the child met the initial IV-E requirements, take the appropriate action on the IV-E screens in SAFE based on placement licensing status.

Title IV-E Eligibility and Licensure







#### How to track placement and licensure

**SAFE Placement records** 

**SAFE Provider records** 

**SAFE Licensing Records** 

**Notices from caseworkers** 

**Foster Care Licensing Database** 

**CARE** 

Licensing Website: http://www.hslic.utah.gov/#

**Placement Form Service Contract** 

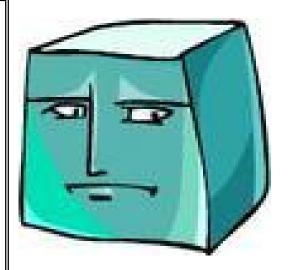
**Court Screens** 

Hard copy of tribal or out of state provider licenses

Hard copy of licenses for Proctor Homes

### What types of errors have been found?

- 1. Placement was never licensed.
- 2. Placement is not fully licensed.
- 3. Placement has an expired license.
- 4. Placement has a sanction, which would make the placement probationaryly licensed.
- 5. Has more children placed in the home than the placement is licensed for.
- 6. Variance expired.
- 7. Placement has not met the criminal background screening requirements.



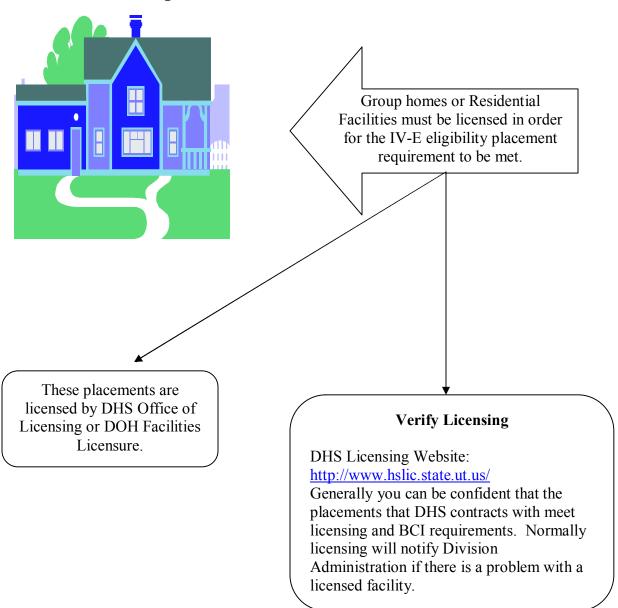


#### Why have the errors happen?

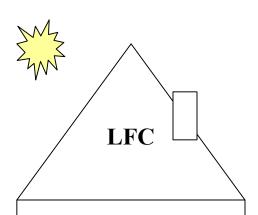
- 1. Not thoroughly checking relevant information sources.
- 2. Not understanding Foster Care Licensing Database information.
- 3. Office of Licensing case file information does not match the information entered in the Foster Care Licensing Database.
- 4. Office of Licensing extending end dates for licensure entry.
- 5. Changes in licensure occurred prior to eligibility review.
- 6. No documentation of justification for level of care.

## **Licensing Basics**

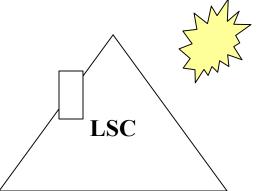
#### **Group Homes or Residential Facilities**



### **Foster Family Homes**



Resource family homes licensed by DHS Office of Licensing (DCFS only) as Licensed Foster Care



Resource family homes licensed by DHS Office of Licensing (DCFS only) as Licensed Specific Care "Kinship"



Proctor Homes

Approved by licensed Child Placing Agencies (DCFS and DJJS)

### **Licensing Overview**

#### What is required for licensure?

- Application
- Home Study
- BCI/CAN Clearance
- Medical review
- Training
- Code of Conduct
- Income
- Confidentiality
- Rules
- Letters of reference





#### **Types of Licenses**

- Probationary- up to 5 months (LSC only)
- ♣ Initial P- remainder of 12 months period (LSC only)
- ♣ Initial 12 month License (for LFC)
- Annual License
- Renewal



#### **Other Licensing Actions**

- **Extensions**-Extra time to complete licensing requirements. Should be used when the agency responsible for the delay. Consider a placement fully licensed except if the extension is on a 90-day Initial License or in unusual circumstances.
- **X** Variances- used to alter the license for a specific reason
- **Sanctions-** Issued when a home is out of compliance. NAA is issued. Placement is "**probationaryly licensed**" when a sanction is in place.

## **Eligibility for Placements**

Placement	IV-E Eligible	IV-E Reimbursable	Foster Care Medicaid Eligible
Alternative Behavioral Learning Environment (ABLE)	Yes	Yes	Yes
African American Taskforce	Yes	Yes	Yes
Allies For Youth and Families	Yes	Yes	Yes
Alternative Youth Adventures (AYA)	Yes	Yes	Yes
Ascent	Yes	Yes	Yes
ARTEC	Yes	Yes	Yes
AWOL/Runaway	Yes	No	No
Back Home with Relative/BHR (foster home unlicensed)	No	No	No
Cache O&A	No	No	Yes
Canyon lands Youth	COR-No	COR-No	COR- No
Home	<b>Shelter-Yes</b>	Shelter-Yes	Shelter- Yes
Castle Country Youth	Yes	Yes	Yes
CDS	Yes	Yes	Yes
Central Ut Youth Ctr	No	No	No
Centro de la Familia	Yes	Yes	Yes
Chrysalis	No	No	Yes
Cinnamon Hills	Yes	Yes	Yes
Christmas Box House	No	No	Yes
Copper Hills	No	No	No
Cottonwood Treatment Center	No	No	No
<b>Country Cottage</b>	Yes	Yes	Yes
Decker Lake Youth Center	No	No	No

Placement	IV-E Eligible	IV-E Reimbursable	Foster Care Medicaid Eligible
Detention	No	No	No
<b>Developmental Center</b>	No	No	No
<b>Ensign Peak Service</b>	Yes	Yes	Yes
Family Support & Treatment	Yes	Yes	Yes
Farmington Bay Detention	No	No	No
Farmington Bay/O&A	No	No	Yes
Farmington Bay Secure	No	No	No
<b>Forestry Camps</b>	No	No	Yes
Foster Home/Probationary License	Yes	No	Yes
Foster Home/Fully Licensed	Yes	Yes	Yes
4 The Youth	Yes	Yes	Yes
Futures Through Choices	Yes	Yes	Yes
Genesis	No	No	No
Group Homes/Private non-secure	Yes	Yes	Yes
Heritage Schools	Yes	Yes	Yes
Heritage Youth Services	Yes	Yes	Yes
Home/THP	No	No	No
Hospital-MFN	No	No	No
House of Hope	Yes	Yes	Yes
Independent Living	No	No	Yes
Introspect	Yes	Yes	Yes
Iron Co Youth Center	No	No	No
Jail	No	No	No
Journey Blazing New Trails (State Supervision)	No	No	Yes

Placement	IV-E Eligible	IV-E Reimbursable	Foster Care Medicaid Eligible
Journey Blazing New Trails/Rising Phoenix (Provo)	Yes	Yes	Yes
Journey Blazing New Trails/Impact Ranch (outdoor youth program)	No	No	Yes
Kinship Placement- Probationary License	Yes	No	Yes
Kinship Placement - Unlicensed	No	No	No
Millcreek Youth Center	No	No	No
New Leaf Alternative	Yes	Yes	Yes
New Vista	Yes	Yes	Yes
North Eastern Services	Yes	Yes	Yes
<b>Odessey House</b>	Yes	Yes	Yes
Ogden EIP	No	No	Yes
Pioneer Youth	Yes	Yes	Yes
Primary Children's Residential	Yes	Yes	Yes
<b>Proctor Homes</b>	Yes	Yes	Yes
<b>Progressive Youth Inc</b>	Yes	Yes	Yes
Provo Canyon Schools	No	No	No
Pyramid Youth Services	Yes	Yes	Yes
Residential Placements/Private	Yes	Yes	Yes
Residential Placement/Public 25 beds or less	Yes	Yes	Yes
Right of Passage	Yes	Yes	Yes
RISE	No	No	Yes
RISE Proctor Homes	Yes	Yes	Yes

Placement	IV-E Eligible	IV-E Reimbursable	Foster Care Medicaid Eligible
Salt Lake Valley Detention Center	No	No	No
Salt Lake Valley O&A	Yes	Yes	Yes
Shelter (non pay)	Yes	Yes	Yes
Slate Canyon Detention Center	No	No	No
Southwest Center Eagle Quest	Yes	Yes	Yes
Split Mountain Youth Center	No	No	No
Springville O&A	Yes	Yes	Yes
State Hospital	No	No	No
State Supervision	No	No	Yes
<b>Step Beyond</b>	Yes	Yes	Yes
Today's Youth	Yes	Yes	Yes
Tribal Foster Homes/Fully Licensed	Yes	Yes	Yes
Tristan	Yes	Yes	Yes
Triumph Youth Services	Yes	Yes	Yes
Uintah Basin Youth Center	Yes	Yes	Yes
United Community Services	Yes	Yes	Yes
Utah Youth Village	Yes	Yes	Yes
Valley Mental Health (Artec)	Yes	Yes	Yes
Vantage Point	Yes	Yes	Yes
Vista Inc	Yes	Yes	Yes
<b>Wasatch Youth Center</b>	No	No	?
Weber Human Services/Nova Group Home	Yes	Yes	Yes

Placement	IV-E	IV-E	Foster Care
	Eligible	Reimbursable	Medicaid
			Eligible
Weber Valley	No	No	No
Detention			
Youth Health	Yes	Yes	Yes
Associates			
Youth Track	Yes	Yes	Yes
YWCA	Yes	Yes	Yes

Medicaid Policy applicable to youth placed in detention facilities <a href="http://utahcares.utah.gov/infosourcemedicaid/">http://utahcares.utah.gov/infosourcemedicaid/</a>

#### 215-3 Who is a "Resident" of an Institution?

A person living in an institution is a resident of that institution. One exception applies to all kinds of institutions: a child in the custody of the state is not a resident of an institution if he is:

- 1. under age 18, AND
- 2. in the custody of a State agency, AND
- 3. living temporarily in an institution while arrangements are being made for an appropriate placement.

For example, children may be put in a detention center while authorities decide where they should be placed. These children are not residents of the detention center. They remain residents of the dwelling in which they lived before being placed in the detention center

#### **Psychiatric Residential Treatment Programs (PRTF)**

#### Background

Medicaid has a classification of Institution for Mental Disease known as PRTF. This is a level of care similar to the State Hospital and is considered a type of in-patient care. When a child is placed in a PRTF, the child cannot receive any Medicaid reimbursed services other than a PRTF payment. The facility has to provide for that basic care within their Medicaid payment. Title IV-E is not allowable for a PRTF.

In order for a state to have PRTF services funded, the state must include this category of service in their Medicaid State Plan. PRTF is not an approved service in Utah's Medicaid State Plan.

However, many other states do include this service in their Medicaid State Plan and to meet the needs of their state's population, they often place children out of state in other certified PRTF's in other states.

As we have progressed towards our corrective action for residential care, we learned that several facilities that DCFS and DJJS contract with have had children from other states placed in them as if they are a certified PRTF. However, Utah had not previously certified PRTF facilities and CMS (Federal Medicaid agency) was directing other states to remove their children from these Utah programs that were not actually certified as PRTF's.

When we recently held Medicaid transition information meetings throughout the State, this issue was brought up as a concern for these JCAHO accredited programs that rely so heavily on out of state placements. When we explained what was happening, they asked if there was any way Utah could certify these programs as PRTF's for the purpose of receiving Medicaid funds from other states. DOH survey and certification staff worked with CMS to establish a process for Utah JCAHO accredited facilities to complete the process for certification as PRTF's for the purpose of having children from other states placed here and funded with that state's Medicaid funds.

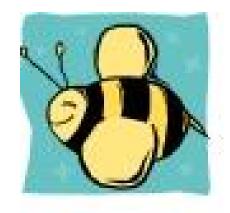
An unanticipated consequence of this process is that this means that once a Utah facility is certified as a PRTF for placement of children from out of state, the facility no longer qualifies to receive Medicaid funding from Utah and the children placed in those facilities cannot receive any Medicaid funded services while placed there. They also cannot qualify for Title IV-E funds.

#### What This Means

DCFS contracts with these providers are still in place so technically we can continue to place children in these facilities. However, we will receive no Medicaid or Title IV-E reimbursement for these children. These facilities provide services with the DPR service code which is a rate of \$248.04 per day. This will have to be paid with all state general funds. In addition, these children cannot qualify for any Medicaid services outside of the facility (e.g., doctor visits, dental visits, etc.). DCFS will have to cover these services through an MI706 with state general funds.

### Licensing Do's and Don'ts

### <u>Do</u>



- **Check the Foster Care Licensing Database to see**
- 1. BCI completion dates for the provider, spouse and any other over 18 individuals living in the foster home.
- 2. License Type (LSC LFC).
- 3. License Action (Initial, Annual, Renewal or Extension).
- 4. License Period (Start and end dates).
- 5. License is current and open.
- 6. Check for sanctions and variance.
- 7. Obtain copies of licensure verifications for Proctor Homes. This includes the BCI's (for all over 18) and the license certificate.
- 8. Obtain copies of license and BCI's for all out of state providers.
- 9. Count extensions on Initial (12 month), Annual and Renewal Licenses as fully licensed.
- 10. Check license capacity. Cannot be zero.
- 11. Call the licensor if you have questions.

### Don't

- 1. Forget to get copies of Out of State provider licenses and BCI's.
- 2. Forget to get copies of Proctor home licenses and BCI's.
- 3. Forget to check the license status of each new placement for a IV-E foster child.
- 4. Forget to update the eligibility in SAFE if a placement is not fully licensed.
- 5. Forget to check for sanctions or variances.
- 6. Forget to check for "gaps" in the license dates.
- 7. Count an extension on a 90-day Initial License as fully licensed.
- 8. Forget to call the State Office if you have questions.



- Eligibility and Reimbursability requirements are met the first day of the month in which licensing criteria are met. Also, if a license lapses prior to the end of the month, for eligibility purposes, the home is considered licensed to the last day of the month.
- Annual and Renewal licenses generally constitute full licensure unless a sanction has occurred.
- If any licensing information in the DHS/OL database looks questionable, talk to the licensor to ensure that you are interpreting the information correctly.
- In cases where a child changes placements mid-month and one of the placements for that month is fully licensed but the other placement is not fully licensed, the IV-E reimbursability for the child should be terminated on the last of the month that the child was in the fully licensed placement for the entire month. This will prevent a IV-E payment being made to an ineligible provider.

#### **Example**

Buffy was court ordered into DCFS custody. On Jan 12, 2005, she was placed in a fully licensed foster home. Buffy remained in this home until Feb 23, 2005. On Feb 23, 2005, Buffy was moved to the home of an aunt. The aunt is in the the process of becoming licensed as a foster parent and currently has a 90-day Initial License beginning Feb 23, 2005 to May 31, 2005.

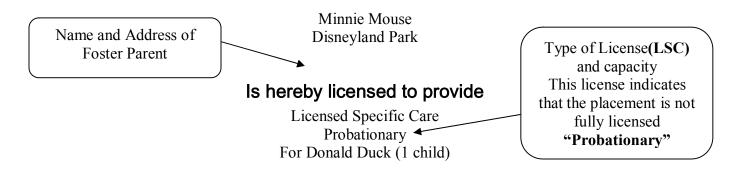
#### Action to be taken by the eligibility worker

Close the IV-E Reimbursability on **Jan 31, 2005**. The placement with the aunt is not fully licensed and is not eligible to receive a IV-E maintenance payment. The IV-E Reimbursability needs to be terminated the end of the month prior to the placement beginning to prevent that from occurring.

## State of Utah Department of Human Services



## Office of Licensing



In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

License period This license is issued for the period:

July 1, 2005 to December 31, 2005

This license is not transferable and is subject to revocation for cause.

State of Utah

Department of Human Services



## Office of Licensing

Type of License(LSC) and capacity This license indicates that the placement is fully licensed

Minnie Mouse Disneyland Park

Name and Address of Foster Parent



#### Is hereby licensed to provide

Licensed Specific Care Initial P For Donald Duck (1 child)

In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

This license is issued for the period:

January 1, 2006 to June 30, 2006

This license is not transferable and is subject to revocation for cause.

Number	<u></u>		
		Director	

State of Utah

Department of Human Services



Type of License(LSC) and capacity This license indicates that the placement is fully licensed

Minnie Mouse
Disneyland Park

Is hereby licensed to provide

Licensed Specific Care
Renewal License
For Donald Duck (1 child)

In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

License period

This license is issued for the period:

July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Number

Director

## State of Utah Department of Human Services

Name and Address of Foster Parent



Type of License(LFC) and capacity This license indicates that the placement is fully licensed

Minnie Mouse
Disneyland Park

Is hereby licensed to provide

Licensed Foster Care Initial License For 2 children In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

License period

This license is issued for the period:

July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Number Director

## State of Utah Department of Human Services

## Office of Licensing

Name and Address of Foster Parent

Type of License(LFC) and capacity This license indicates that the placement is fully licensed.

**Initial Eligibility Determination** 3/2010 → Minnie Mouse Disneyland Park Is hereby licensed to provide Licensed Foster Care Renewal License For 2 children In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing. This license is issued for the period: License period July 1, 2006 to June 30, 2007 This license is not transferable and is subject to revocation for cause. Number Director

State of Utah

Department of Human Services

Initial Eligibility Determination 3/2010



## Office of Licensing

Type of License
(Residential) and
capacity
This license indicates
that the placement is
fully licensed

Name and Address of Residential facility Springville Observation and Assessment
205 West 900 North
Springville, Utah 84663

### Is hereby licensed to provide

To provide Residential Supportation 16 Youth Consumers

In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

License period

This license is issued for the period:

July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Initial Eligibility Determination 3/2010

Number

Director

## State of Utah Department of Human Services



## Office of Licensing

Type of License
(Residential) and
capacity
This license indicates
that the placement is
fully licensed

Name and Address of Residential facility Cinnamon Hills Youth Crisis Center
770 E St. George Boulevard
St. George, Ut 84770

Is hereby licensed to provide

To provide Residential Treatment
For 84 male youth consumers ages 12 through 17 years

And 52 female youth consumers ages 12 through 17 years

In accordance with the laws of the State of Utah and the rules and regulations prescribed by the State Office of Licensing.

License period

This license is issued for the period:

July 1, 2006 to June 30, 2007

This license is not transferable and is subject to revocation for cause.

Number	Director

### Certificate of Completion

This Certificate is issued to

Name and address of proctor parent

Disneyland Park

Initial Eligibility Determination 3/2010

In accordance with the Child Placing Agency authority of

Licensed Child Placing
Agency

Rocky Mountain Youth Services

133 E 800 N

The above individual has completed the requirements for Proctor Foster Home Licensing with the above named agency.

License period

July 1, 2005 to June 30, 2006

License Period

Date\_\_\_\_\_ Director\_\_\_\_\_

# "Tahwe Tawuhchew"

Initial Eligibility Determination 3/2010

## Ute Tribe Family Center Certifies

Tribe

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### Title IV-E Reimbursability \$\$\$\$\$\$\$\$\$\$

A child who has been determined Title IV-E Eligible and who meets the IV-E placement requirements must also meet the requirements for Title IV-E Reimbursability to be determined IV-E Reimbursable.



- The determination of IV-E Reimbursability qualifies the State to obtain IV-E reimbursement for **foster care maintenance costs** associated with the child. This includes room, board and clothing expenses.
- A child who is IV-E Eligible and IV-E Reimbursable is also categorically eligible for Foster Care Medicaid.
- IV-E Reimbursability may change from month to month.
- Loss of IV-E Reimbursability during a custody episode does not prevent the child from regaining IV-E Reimbursability during that custody episode.
- The IV-E Reimbursability effective date is the first day of the month during which all the requirements are met. A child who meets the requirements for any part of the month is reimbursable for the entire month.

A child must be IV-E Eligible to be IV-E Reimbursable.

# Factors to Consider for TV-E Reimbursability

### Placement Licensure

A child is not IV-E Reimbursable while placed in a foster or kin home when licensure is in probationary status.

### <u>SSI</u>

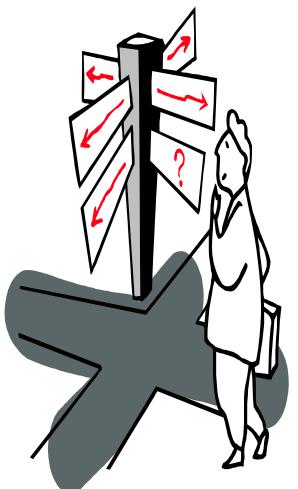
A child who is receiving SSI will not be made IV-E Reimbursable because the SSI income is applied to the costs for room and board. It is also in the child's best interest to have SSI upon returning home

### Runaway

A child who runs away from the placement is not IV-E Reimbursable during the runaway period.

- In cases where a child changes placements mid-month and one of the placements for that month is fully licensed but the other placement is not fully licensed, the IV-E reimbursability for the child should be terminated on the last day of the month that the child was in the fully licensed placement for the entire month. This will prevent a IV-E payment being made to an ineligible provider.
  - See Licensing Section for example





A child who runs away from a foster placement is still considered to be under the care and placement responsibility of the State as long as court-ordered custody continues.

The child may remain IV-E eligible during the runaway period as long as they continue to meet all the other requirements for ongoing IV-E Eligibility, including deprivation, income, asset and permanency requirements.

A child who runs away from foster care is not IV-E Reimbursable. Close the IV-E Reimbursability in SAFE at the end of the month that the child ran away.

A foster child who is on the run is not eligible for Foster Care Medicaid. Close the FC Medicaid case at the end of the month that the child ran away.

### INITIAL DETERMINATION Title IV-E and Medicaid Benefits for Foster Child

Enter the Foster Child's identifying information from the application here. If any inaccuracies appear on the application, enter the correct information.

Child in Custody Information

Name of Child (last, first, middle)

Social Security#

Date of Birth

Client #

Current Placement Address (street, city, state, zip)

County

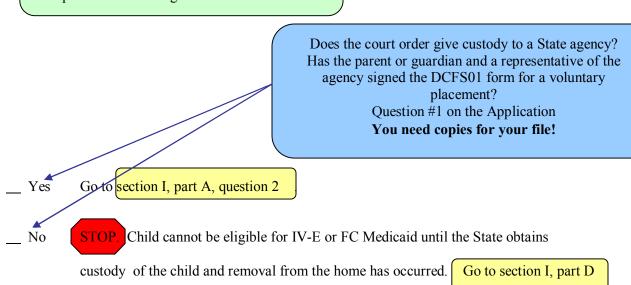
Telephone #

### Section I: NON-AFDC Requirements – DCFS e-Rep SAFE Retrieval – DJJS Manual e-Rep Entry

#### Part A: Initial IV-E Non AFDC Requirements

1. Custody: Has the child been removed from home and placed in the custody of the State or a tribal organization by a court order, voluntary placement agreement, or voluntary relinquishment?

IV-E Policy Manual
Section 2-3.A
Medicaid Policy 311
http://utahcares.utah.gov/infosourcemedicaid/



### 2. Court Order Requirements

IV-E Policy Manual Section 2-3.B

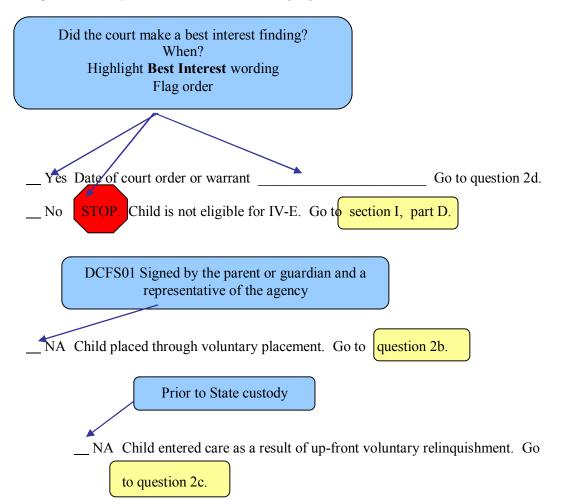
IV-E Policy Manual
Section 2-6.C
When did the legal process that removed the child from the home begin?
You need to know this to determine what month to look at AFDC group information!

Date of Petition (eligibility month)

Question #1 on the application addresses how the child entered custody



a. If the child was removed from home by a court order, did the <u>initial</u> court order or warrant that sanctions (even temporarily) the removal of the child from home contain the required contrary to welfare/best interest language?

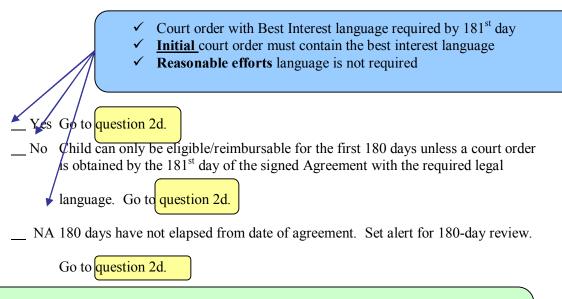


b. If the child was removed from the home through a Voluntary Placement Agreement, is there a court order within 180 days of the agreement with the required contrary to welfare/best interest language?

IV-E Policy Manual Section 2-4

Signed by parent or guardian **and** agency representative

Date of signed Voluntary Placement Agreement (eligibility month)



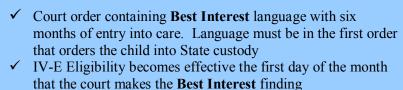
A child may be IV-E eligible for up to 180 days under a voluntary agreement. In order for the IV-E eligibility to continue beyond 180 days, the court must issue an order placing the child in State custody and include the **Best Interest** language in that order.

c. If the child entered care as a result of an up-front voluntary relinquishment, is there a court order within six months of entry into care with the required contrary to welfare/best interest language (not merely sanctioning the relinquishment)?

IV-E Policy Manual Section 2.5

Date of relinquishment (eligibility month)

Prior to entry into care



- ✓ **Reasonable Efforts** language is not required
- Yes/Go to question 2d.
- No Child cannot be eligible unless a court order with the required legal language is obtained within six months of the removal date. Go to section I, part D.
- \_ NA Six months have not elapsed from the removal date. Set alert for six-month review. Go to question 2d.
- d. If the child entered care by a court order, did the initial court order, or a subsequent court order within 60 days of removal, meet the reasonable efforts requirement? (This is not required for a child entering care due to voluntary placement agreement or up-front voluntary relinquishment of parental rights.)

IV-E Policy Section 2-3.C

- ✓ Review all court orders within the 60 day time frame for the necessary wording
- ✓ Contact AG and caseworker prior to 60 days having expired if an order with RE language is needed
- ✓ Highlight RE wording and flag the order

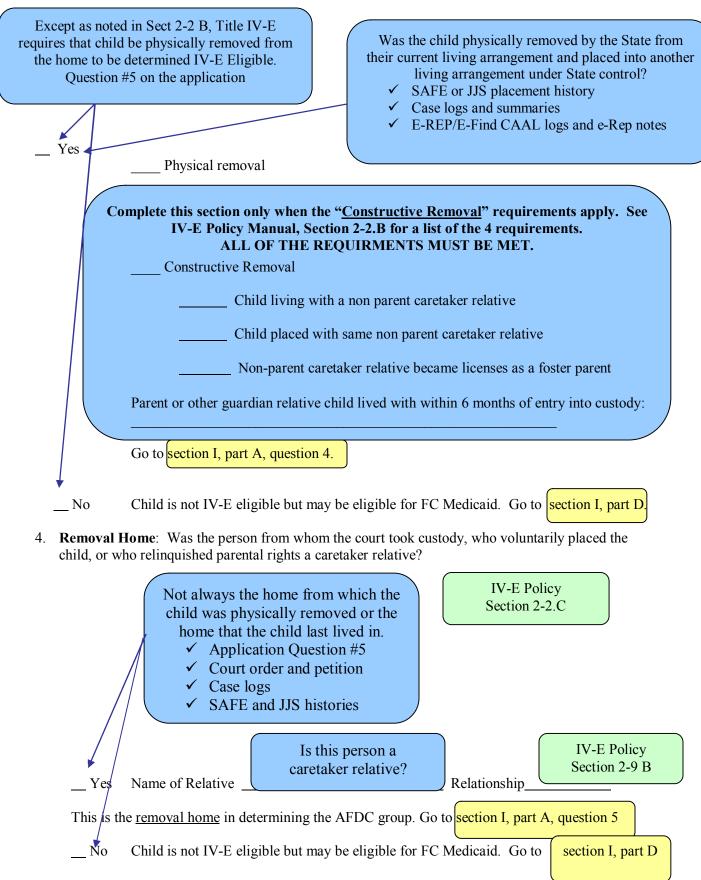
\_\_Yes Provide Court Order Date question 3.

Enter date of order containing RE

Go to section I, part A,

- \_\_ No Child cannot be IV-E eligible for this custody episode. Go section I, part D.
- NA Child placed by voluntary placement or voluntary relinquishment. Go to section I, part A. question 3.
- **3. Removal**: Was the removal requirement met?

IV-E Policy Section 2-2 A & B



**5.** Living With Caretaker Relative: Did the child live with the caretaker relative listed in question 4 above during the eligibility month or within 6 months prior to the eligibility month?

Do not count the eligibility month. Count back six months from the eligibility month. If the eligibility month is Sept, start counting with Aug back through March.

Application Question # 5

SAFE & JJS Placement histories

Petitions

E-REP/e-Find CAAL logs and e-Rep notes

SAFE logs

E-Find

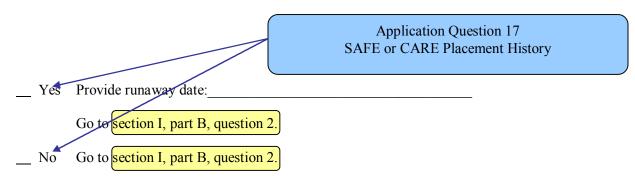
Yes Date last lived with

If all the above requirements are met, the child meets the Initial IV-E requirements for this custody episode. Go to section I, part B.

No Child is not IV-E eligible but may be eligible for FC Medicaid. Go to section I, part D.

### Part B: IV-E Eligibility Placement Requirements

1. Runaway: Is the child a runaway from foster care (and still in State custody)?



2. Background Screening Requirement: Was the current foster home or any other foster home since entering agency care licensed on or after

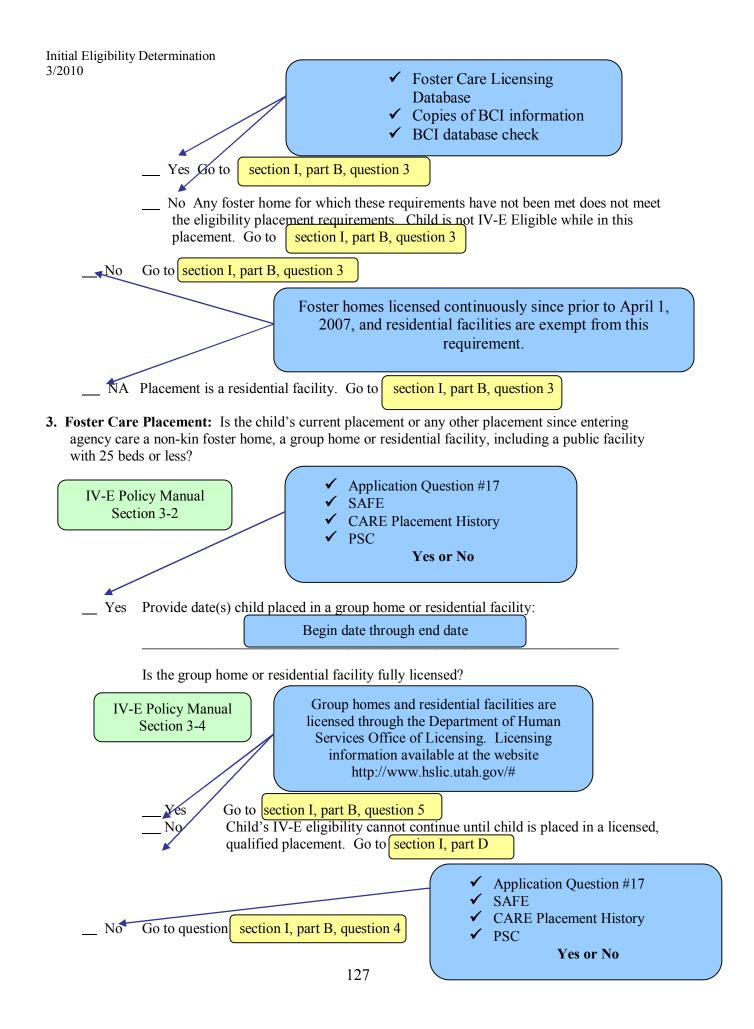
April 1, 2007?

Adam Walsh Act Requirements

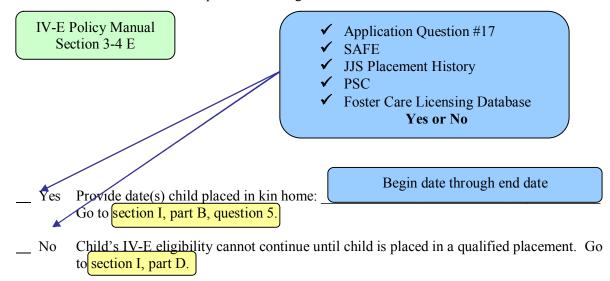
IV-E Policy Manual

Section 3-3

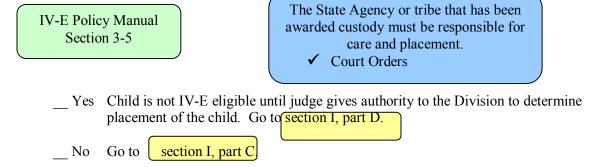
\_\_\_ Yes Has a fingerprint based FBI national criminal history record check been completed for any foster home licensed after April 1, 2007 **AND** If any foster parent or adult in the home has lived outside of Utah in the five years prior to the date of application to become a foster parent, has a child abuse and neglect registry check been completed for each state in which they resided?



**4. Kinship Placement"** Is the child's current placement or any other placements since entering agency care a kin home and kin are in the process of being licensed?

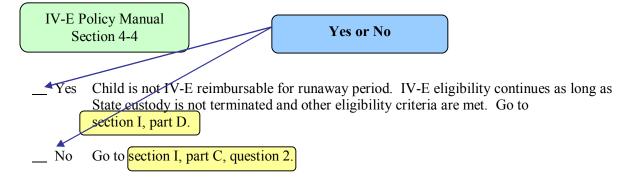


**5. Court Ordered Placement:** If the child entered care by a court order, was the child ordered into a <u>specific</u> placement?

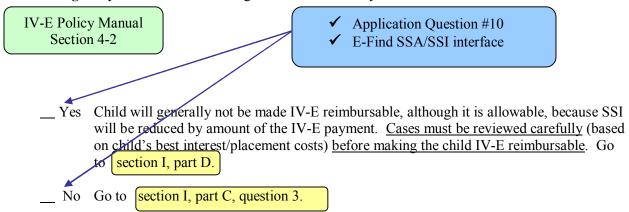


#### Part D: IV-E Reimbursability Determination

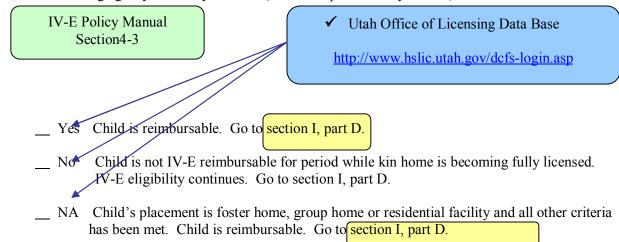
1. Runaway: Is the child a runaway from foster care (and still in State custody)?



2. SSI Eligibility: Is the child receiving SSI while in custody?



**3. Kinship Placement :** Is the child's current kin home placement or any other kin home placements since entering agency care fully licensed (not initial probationary license)?

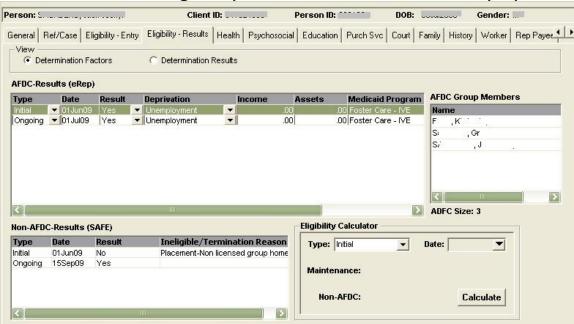


### Part D: Non-AFDC Result Determination

**1.** Initial IV-E Non-AFDC requirements are met for this custody episode. (section I, *part A, questiosn 1-5*)

- ✓ Court order requirements
- ✓ Removal requirement
- ✓ Living with caretaker relative requirement
- ✓ Removal home requirement
- Yes Go to section I, part D, question 2.
  No Initial Non AFDC result is "No" Go to section II.

2. IV-E Placement Requirements are met. (section I, part B, questions 1-5)
<ul> <li>✓ Runaway</li> <li>✓ Background Screening Requirements</li> <li>✓ Foster Care Placement</li> <li>✓ Kinship Placement</li> <li>✓ Court Ordered Placement</li> </ul>
Yes All monthsSpecific months (list)
No Placement requirements have not been met at this time
Go to section I, part D, question 3.
3. IV-E Reimbursability Requirements are met. (section I, part C, questions 1-3)
<ul><li>✓ Runaway</li><li>✓ SSI Eligibility</li><li>✓ Kinship Placement</li></ul>
Yes  All months Specific months (list)
All monthsSpecific months (list) No Child is not currently reimbursable. Reason
No Child is not currently remiodisable. Reason
Go to section I, part D, question 4.
4. e-Rep Non AFDC IV-E factors are "Yes" for all month when 1,2 and 3 are "Yes"
SAFE Retrieval process for e-Rep will send a correct result for the initial month. If changes to the Non-AFDC result are needed in e-Rep beyond the initial month and prior to the monthly interface, those will need to be handled manually.
Yes
All monthsSpecific months (list)
No Non AFDC IV-E factors are not met for any months



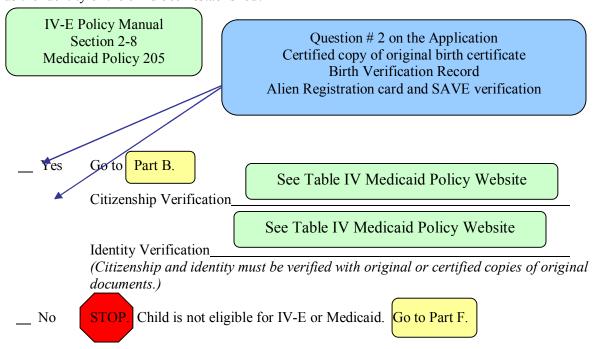
### SAFE Eligibility Determination Factors Display

\*\* e-Rep "Non AFDC IV-E factors met" result is "Yes" for months where requirements 1, 2 and 3 are "Yes".

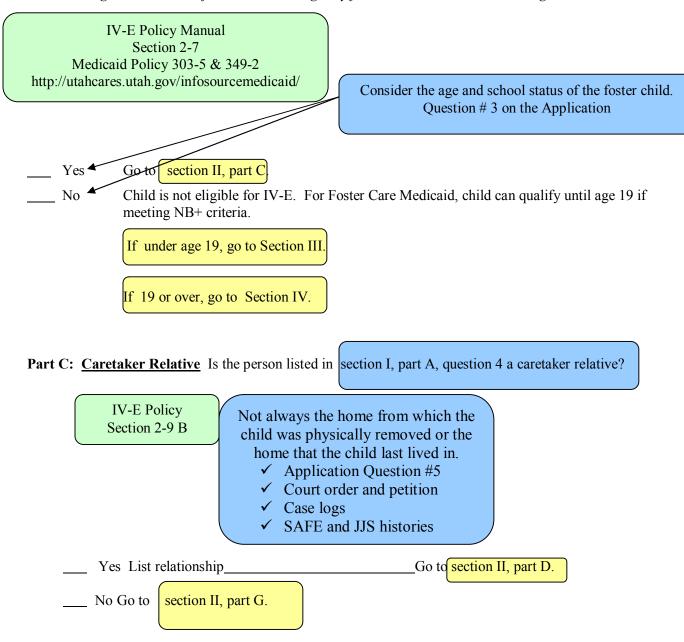
Go to Section II

Section II: <u>AFDC Requirement – e-Rep Entry</u>

**Part A:** Citizenship: Is the child a U.S. citizen or a qualified alien admitted for permanent residence? Has the identity of the child been established?

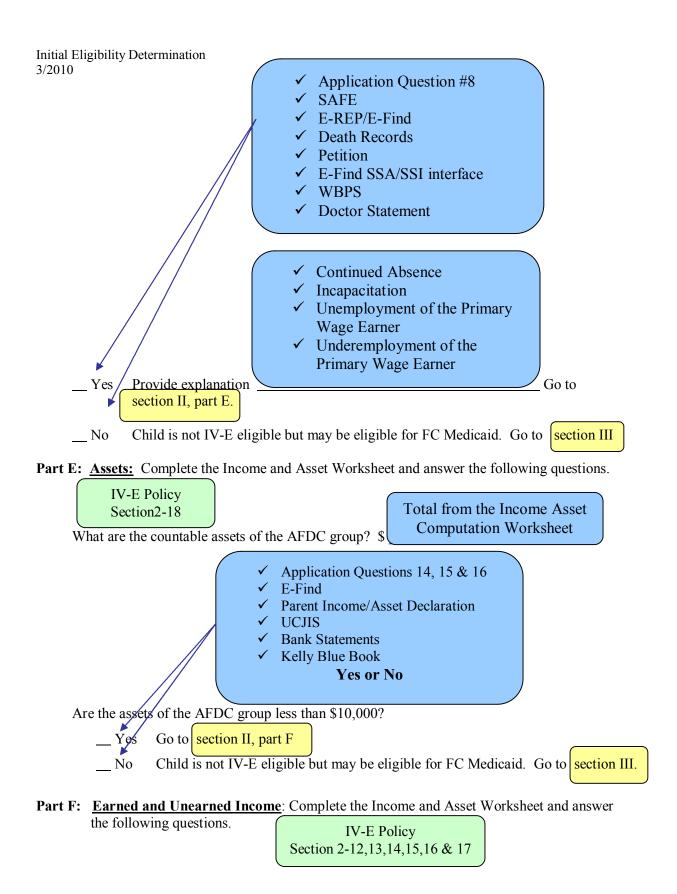


**Part B:** <u>Age</u> Is the child under age 18, or age 18 and expected to complete high school or technical training before the age of 19? *NOTE:* If age 18, eligibility ends at graduation or when full-time schooling is discontinued for Title IV-E. Eligibility for FC Medicaid NB+ ends at age 19.



**Part D:** <u>Deprivation:</u> Is the child deprived of support of one or both parents due to continued absence from the removal home, incapacitation, or unemployment/underemployment of the principal wage earner?

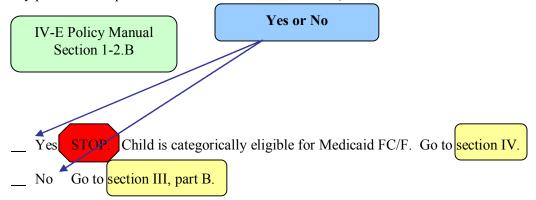
IV-E Policy Manual Section 2-11.A-C



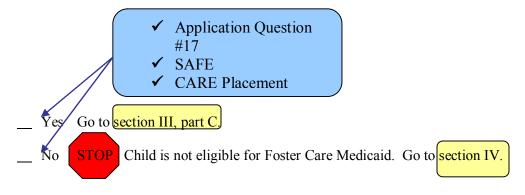
Worksheet Question #4  ✓ Application Questions 9, 10, 11 & 12 ✓ E-Find ✓ Parent Income/Asset Declaration  Yes or No
✓ E-Find ✓ Parent Income/Asset Declaration Yes or No
ntable income less than the 185% Need Standard for the AFDC group size?
yes, is the adjusted income less than the 100% Need Standard for the AFDC grouze?
child meets initial IV-E eligibility requirements. Go to section II, part
O Child is not IV-E eligible but may be eligible for FC Medicaid.
Go to section III
nild is not IV-E eligible but may be eligible for FC Medicaid.Go to
ction III. Part G
ation Result – Result is displayed in the decision on e-Rep program home
equirements in questions A-F are met.
Child meets the AFDC requirments for IV-E eligibility for this custody episode
AFDC result in e-Rep is "Yes". Go to section III.
Initial AFDC Result Display - e-Rep
Initial Al Do Result Display e-kep
Care Rules Successful  ster Care Rule Group Succeeded  Initialize Eligibility Results Completed  Foster Care Rules Succeeded  Foster Care Rules Succeeded  Foster Care Rules Succeeded  FEREP Foster Care Rules Successful  FEREP Foster Care Rules Foster Foster Rules Foster Care Rules Foster Foster Rules Foster Rules Foster Foster Rules Foster Care Rules Foster Foster Rules Foster Rules Foster Rules Foster Foster Foster Rules Foster Foster Foster Rules Foster Fos

### Section III: Foster Care Medicaid Eligibility – e-Rep entry

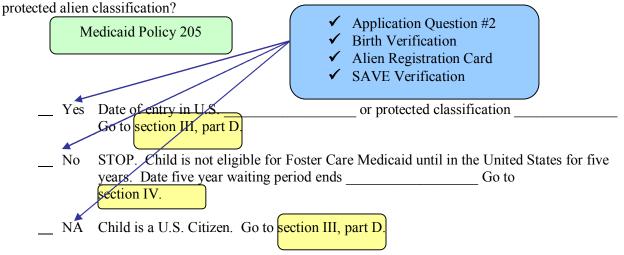
**Part A:** <u>IV-E Eligible and Reimbursable</u> Is the child IV-E eligible (meeting both initial eligibility and eligibility placement requirements detailed in sections I and II) and IV-E reimbursable?

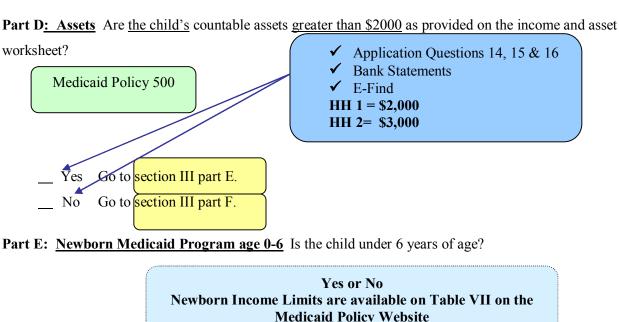


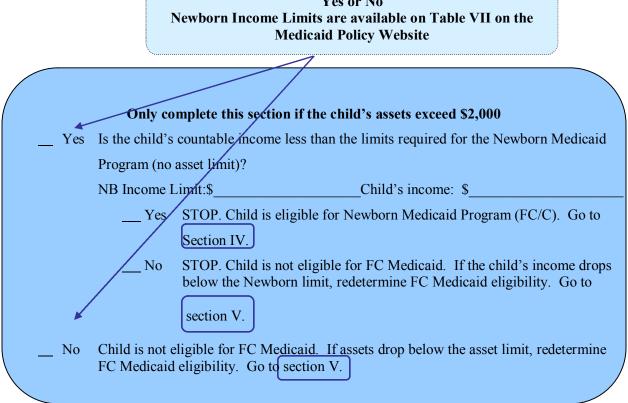
**Part B:** <u>Foster Care Maintenance Payment</u> Is the child in a placement in which a foster care or independent living maintenance payment is being made for the child? (SAFE to e-Rep Interface – DCFS, Manual Entry in E-Rep DJJS)



**Part C:** <u>Citizenship</u> If the child is a qualified alien, has the child been living in the United States for Five years or longer, did the child enter the United States prior to August 22, 1996, or is the child in a

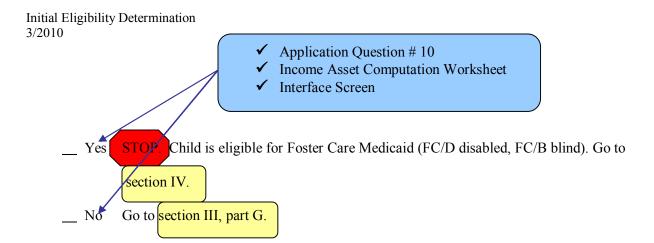




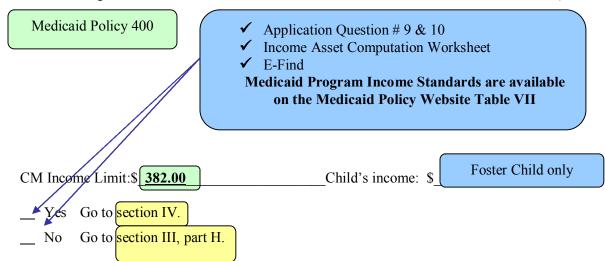


Part F: <u>Disabled Medicaid Program</u> Is the child blind or disabled and receiving SSI?

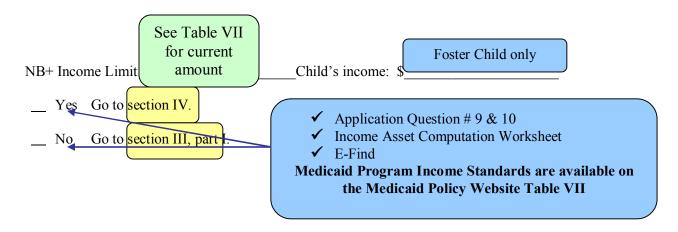
Medicaid Policy 311



**Part G:** <u>Children's Medicaid Program</u> Is the child's countable income less than the income limits required for the Children's Medicaid Program and the child is under age 18 or age 18 and expected to complete high school or technical training before the age of 19? (If foster child is pregnant or has a child residing with the foster child, base the income and asset limits on a household of two.)



Part H: Newborn + Medicaid Program age 6-19 Is the child's countable income less than the income limits required for the Newborn Plus Foster Care Medicaid Program and the child is under age 19? (If foster child is pregnant or has a child residing with the foster child, base the income and asset limits on a household of two.)



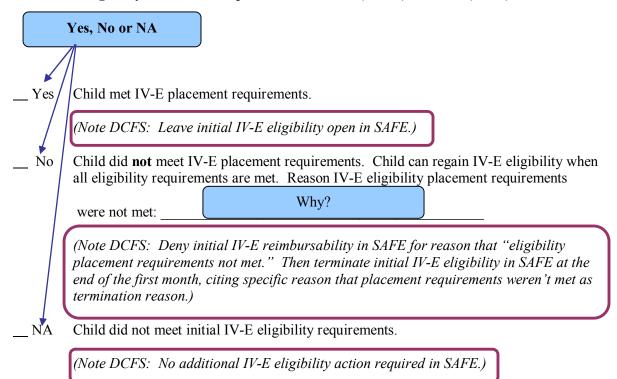
Part I: Spenddown Medicaid Program Do the child's medical expenses exceed the income "spend down" amount for the Children's Medicaid program and the child is under age 18 or age 18 and expected to complete high school or technical training before the age of 19? (Calculate the spend down amount as provided below.) ✓ Application Ouestion # 9&10 Medicaid Policy 415 ✓ Income Asset Computation Worksheet ✓ E-find ✓ Healthcare and treatment costs must exceed the amount paid for the spend down Yes Child is FC/C Medicaid eligible when spend down process is completed. Go to section IV. STOP. Child is not eligible for Foster Care Medicaid. Go to section IV. **Spend Down Calculation** Child Countable Income Minus Program Income Limit Total Spend Down Amount Consult Spend Down Guidelines or the State Specialist for help determining if paying a spend down is appropriate or with the Spend Down process. Section IV: Summary of Title IV-E And Medicaid Foster Child Determination—SAFE (DCFS) — CARE (DJJS) and e-Rep entry DJJS Workers will enter the IV-E Eligibility information in the CARE 1. Title IV-E Initial Eligibility Determination system Yes or No Child met initial IV-E eligibility requirements. \_\_\_ Yes First Day of the Month Initial eligibility beginning date: (Note DCFS: Open initial IV-E eligibility in SAFE.) \_\_ No Child did **not** meet initial IV-E eligibility requirements and **cannot** become IV-E eligible

for this custody episode. Reason child is not IV-E eligible:

(Note DCFS: Deny initial IV-E eligibility in SAFE.)

Why?

### 2. Title IV-E Eligibility Placement Requirements – SAFE (DCFS) – CARE (DJJS)



### Part E: Foster Care Medicaid Eligibility

1. Is the child IV-E eligible (meeting both initial eligibility and eligibility placement requirements) and IV-E reimbursable?

IV-E Policy Manual Section 1-2.B

Yes or No

Yes STOP. Child is categorically eligible for Medicaid, FC/F. Go to Part F.

No Go to question E2.

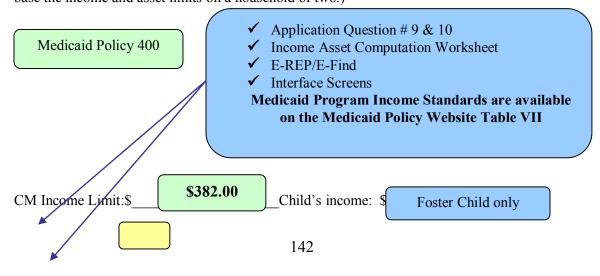
2. Is the child in a placement in which a foster care or independent living maintenance payment is being made for the child? ✓ Application Question #17 SAFE ✓ CARE Placement Go to question E3. Child is not eligible for Foster Care Medicaid. Go to Part F. 3. If the child is a qualified alien, has the child been living in the United States for five years or longer, did the child enter the United States prior to August 22, 1996, or is the child in a protected alien classification? ✓ Application Question #2 Medicaid Policy 205 ✓ Birth Verification ✓ Alien Registration Card ✓ SAVE Verification Yes Date of entry in U.S. or protected classification Go to question STOP. Child is not eligible for Foster Care Medicaid until in the United Part F States for five years. Date five year waiting period ends Go to NA Child is a U.S. Citizen. Go to question E4. 4. Are the child's countable assets greater than \$2000 as provided on the income and asset worksheet? ✓ Application Questions 14, 15 & 16 ✓ Bank Statements Medicaid Policy 500 ✓ E-REP/E-Find HH 1 = \$2,000HH 2 = \$3,000Yes Go to guestion E5. Go to question E6. Yes or No Newborn Income Limits are available on Table VII on the **Medicaid Policy Website** 5. Is the child under 6 years of age? Only complete this section if the child's assets exceed \$2,000

Go to Part F.

Yes Is the child's countable income less than the limits required for the Newborn Medicaid Program (no asset limit)? NB Income Limit:\$ Child's income: \$ Yes STOP. Child is eligible for Newborn Medicaid Program (FC/C). Go to Part F. STOP. Child is not eligible for FC Medicaid. If the child's income drops \_\_\_ No below the Newborn limit, re-determine FC Medicaid eligibility. Go to Part F. Child is not eligible for FC Medicaid. If assets drop below the asset limit, No re-determine FC Medicaid eligibility. Go to Part F 6. Is the child blind or disabled and receiving SSI? Medicaid Policy 311 ✓ Application Question # 10 ✓ Income Asset Computation Worksheet ✓ Interface Screen

No Go to question E7.
7. Is the child's countable income less than the income limits required for the Children's Medicaid Program and the child is under age 18 or age 18 and expected to complete high school or technical training before the age of 19? (If foster child is pregnant or has a child residing with the foster child, base the income and asset limits on a household of two.)

Child is eligible for Foster Care Medicaid (FC/D disabled, FC/B blind).

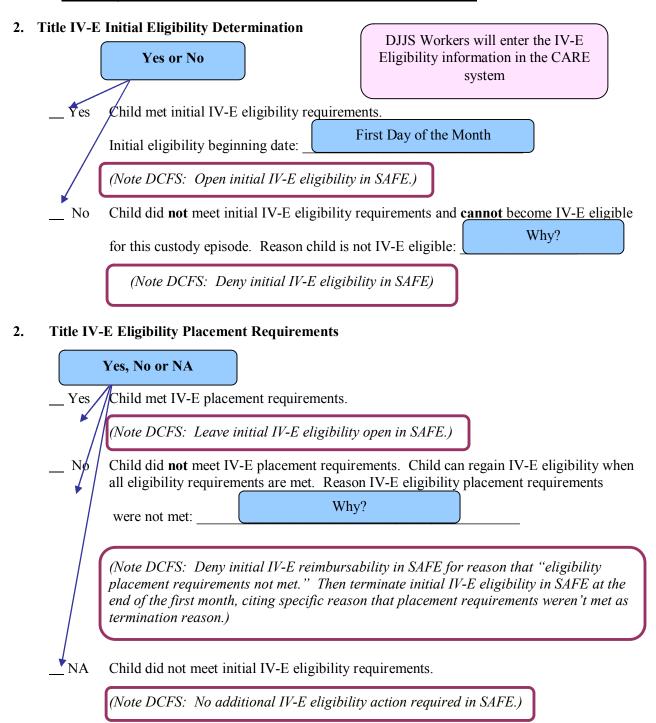


8.

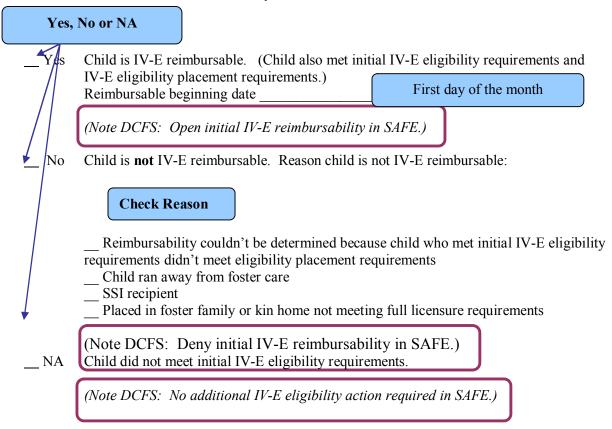
9.

Yes Go to Part F.
No Go to question E8.
Is the child's countable income less than the income limits required for the Newborn Plus Foster Care Medicaid Program and the child is under age 19? (If foster child is pregnant or has a child residing with the foster child, base the income and asset limits on a household of two.)  See Table VII for current amount  NB+ Income Limit:  Child's income: \$
Yes Go to Part F  No Go to question E9  ✓ Application Question # 9 & 10  ✓ Income Asset Computation Worksheet  ✓ E-REP/E-Find  ✓ Interface Screens  Medicaid Program Income Standards are available  on the Medicaid Policy Website Table VII
Do the child's medical expenses exceed the income "spend down" amount for the Children's Medicaid program and the child is under age 18 or age 18 and expected to complete high school or technical training before the age of 19? (Calculate the spend down amount as provided below.)  Medicaid Policy 415  Application Question # 9&10  Income Asset Computation Worksheet  E-REP/E-find  Interface Screens  Healthcare and treatment costs must exceed the amount paid for the spend down
CM Income Limit:\$ \$382.00 Child's income: \$
Yes Child is FC/C Medicaid eligible when spend down process is completed. Go to Part F.  No STOP. Child is not eligible for Foster Care Medicaid. Go to Part F.
Spend Down Calculation
Child Countable Income \$
Consult Spend Down Guidelines or the State Specialist for help determining if paying a spend down is appropriate or with the Spend Down

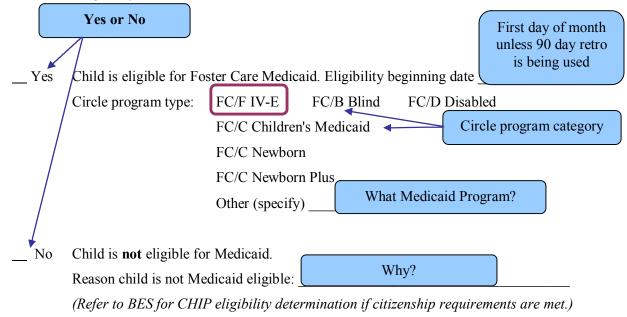
#### Part F: Summary of Title IV-E And Medicaid Foster Child Determination



#### 3. Title IV-E Foster Care Reimbursability Determination



### 4. Medicaid Eligibility Determination

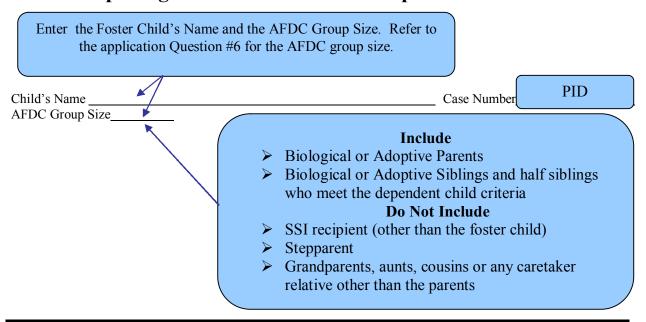


**Notes:** 

Explanation as necessary **Be Professsional!** 

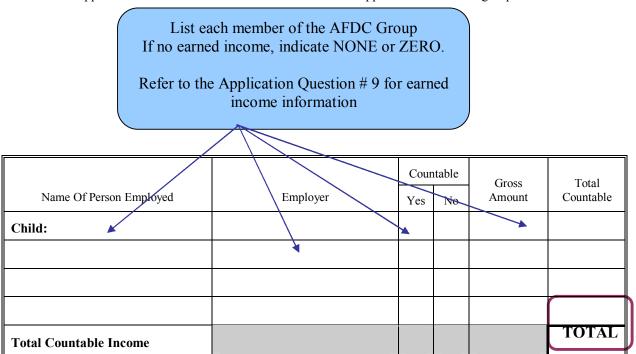
Make sure to sign and date the determination!

# Completing the Income & Asset Computation Worksheet



#### **Income Computation**

**1. Earned Income**: Provide all AFDC group members' gross monthly-earned income in the table below. <u>Do not</u> include stepparent's earned income in the table below or the stepparent in the AFDC group size.



**2. Unearned Income**: Provide the AFDC group's gross monthly unearned income. <u>Do not</u> include stepparent's unearned income in the table below or the stepparent in the AFDC group size.

List each member of the AFDC Group
If no unearned income indicate NONE or ZERO

Refer to Application Question #10 for unearned income information.

Countable
Yes No Amount Countable
Child:

Total Countable Income

**Note:** Subtract \$50 child support deduction for the household, if applicable, in the total countable column.

**3. Deeming Stepparent's Income**: Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.) Stepparent's AFDC group size:

See instructions for deeming stepparent income.

Refer to the Application Questions # 9&10 for income information

### Include

> Stepparent

➤ Biological or adoptive children who meet the dependent child criteria and are not a child in common with the spouse. Living in or out of the home and not receiving child support

Refer to Eligibility Quick Reference for Need Standard figures Gross Monthly Countable Earned Income
Minus \$90 Work Allowance (if applicable)
Subtotal
Add Countable Unearned Income
Subtotal
Subtract 100% Need Standard

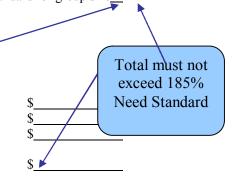
(For stepparent's AFDC group)
Subtract any child support/alimony being paid
Total Deemed Income

**4. 185% Income Test**: If the AFDC group's gross monthly income is less than the 185% Need Standard for the AFDC group size, continue with the 100% Income Test.185% Need Standard for group size\_\_

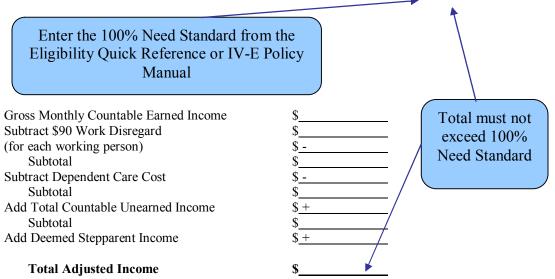
Enter the 185% Need Standard from the Eligibility Quick Reference or IV-E Policy Manual

- #1 Total Countable Earned Income
- #2 Total Countable Unearned Income
- #3 Deemed Stepparent Income

Total



**100% Income Test**: If the AFDC group's gross monthly income is less than the 100% Need Standard for the AFDC group size, the child meets the income criteria. 100% Need Standard for group size \_\_\_\_



If the **Total Adjusted Income** does not exceed the 100% Need Standard the case has met the income requirements for IV-E Eligibility

## **Asset Computation**

Refer to the Application Questions 14, 15 & 16 for asset information. Include the stepparent's assets in this calculation.

Assets must not exceed \$10.000 for IV-E Eligibility.

## **AFDC Group Asset Determination**

Accounts (savings, checking, stocks, etc.)
Countable Vehicles (from table below)
Personal Property (life insurance, funeral plans, etc.)

**Total** 

\$ \_\_\_\_\_ \$ \_\_\_\_

\$\_\_\_\_\_

Note: Include stepparent assets in determining countable assets.

#### Vehicles:

Vehicle #	Vehicle #2	Vehicle #3
\$	\$	\$
\$	\$	\$
	\$	\$\$

Determine total countable vehicle value

Exclude up to \$1,500 for one vehicle and add together all remaining values.

**Total Countable Vehicles \$** 

**TOTAL** 

If the **Total Countable Assets** do not exceed \$10,000 the case has met the asset requirement for IV-E Eligibility

#### INCOME COMPUTATION WORKSHEET

Child's Name Molly M	Case Number
AFDC Group Size 3	

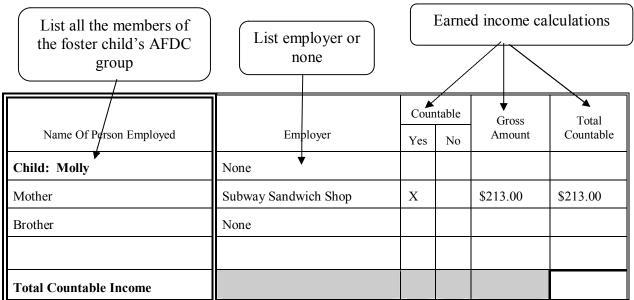
# IV-E Income policy can be located in <u>Title IV-E Foster Care Eligibility Determination Procedures</u>, Section 2-12

Medicaid Income Policy is located on line at <a href="http://utahcares.utah.gov/infosourcemedicaid/">http://utahcares.utah.gov/infosourcemedicaid/</a>, Section 400

- **The AFDC group income is used for determining Initial IV-E eligibility.**
- Only the foster child's income is used for determining Ongoing IV-E and FC Medicaid eligibility.
- ❖ The income and assets of the family must be considered for Foster Care Medicaid eligibility if custody is through a Voluntary Placement Agreement and the child is not IV-E eligible.

# **Income Computation**

**1. Earned Income**: Provide all AFDC group members' gross monthly earned income in the table below. <u>Do not</u> include stepparent's earned income in the table below or the stepparent in the AFDC group size.

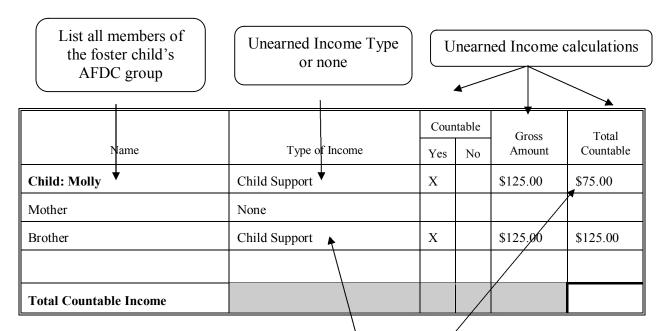


#### **Factoring Income**

To calculate the gross earned income use the following calculations when provided with a hourly or weekly or bi-weekly wage amount.

- Weekly amount X 4.3 = Monthly amount
- Bi-weekly amount X 2.15 = Monthly amount
- # hrs worked each week X rate of pay X 4.3 = Monthly amount

**2. Unearned Income**: Provide the AFDC group's gross monthly unearned income. <u>Do not</u> include stepparent's unearned income in the table below or the stepparent in the AFDC group size.



Note: Subtract \$50 child support deduction for the household, if applicable, in the total countable column. No not take the \$50 child support deduction if the family is receiving FEP assistance.

Current child support is countable unearned income for the child for whom the payment is made. Past-due child support or "arrearages" are countable income for the parent receiving the payment. \$50 deduction applies unless the family received a FEP payment during the eligibility month

**3. Deeming Stepparent's Income**: Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.)

Stepparent's AFDC group size:

3

The AFDC group size for the stepparent consists of the stepparent and any of the stepparent's biological or adoptive children who meet the dependent child criteria (living in the home, or out of the home and not receiving child support).

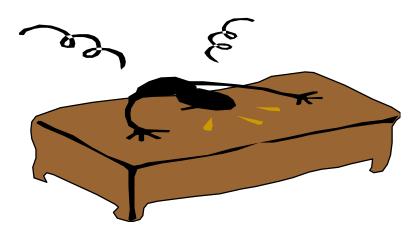
Gross Monthly Countable Earned Income \$ 633.00 Minus \$90 Work Allowance (if applicable) \$ -90.00 \$543.00 Subtotal Stepparent \$ + 50.00Add Countable Unearned Income income Subtotal \$593.00 calculation Subtract 100% Need Standard (For stepparent's AFDC group) \$<u>- 568.00</u> Subtract any child support/alimony paid 0 **Total Deemed Income** \$ 25.00 The total deemed stepparent income would be used in the gross income calculation

4. 185% Income Test: If the AFDC group's gross monthly income is less than the 185% Need Standard for the AFDC group size, continue with the 100% Income Test. Add 185% AFDC 185% Need Standard for group size 1050 Need Standard # 1 Total Countable Earned Income \$ 213.00 \$ 200.00 #2 Total Countable Unearned Income \$ 25.00 #3 Deemed Stepparent Income **\$**438.00 Total 185% Income Test calculation

5. 100% Income Test: If the AFDC group's gross monthly income is less than the 100% Need Standard for the AFDC group size, the child meets the income criteria. 100% Need Standard for group size 568 Add 100% AFDC Gross Monthly Countable Earned Income \$ 213.00 Need Standard Subtract \$90 Work Disregard 90.00 (for each working person) \$ -\$ <u>123.00</u> Subtotal Subtract Dependent Care Cost \$ - 0 Subtotal \$ 123.00 Add Total Countable Unearned Income \$+200.00Subtotal \$ 323.00 Add Deemed Stepparent Income \$+25.00**Total Adjusted Income** \$ 348.00

100% Income Test calculation

The Total Adjusted Income would pass the 185% and 100% AFDC Needs Standards



The reward of a thing well done is to have done it.

RALPH WALDO EMERSON

# **Example Answers**

#### Case 1

On Jan. 31, 2005, the police summoned a CPS worker to the scene of a drug bust. All of the adults at the home were being detained and transported to the county jail facility. An infant was also in the home, but police had not been able to determine who the parents of the child were. After consulting the AG, the CPS worker placed the child in protective custody and transported her to a foster home. A 24 hour meeting was held and the shelter hearing was scheduled for Feb. 3, 2005. The AG prepared a petition requesting that the court rule that it was in the best interest of the child to be placed in DCFS custody. The CPS worker and the AG signed and dated the petition on Feb. 2, 2005.

What is the eligibility month? February 2005

### Case 2

The court ordered that temporary custody of Alice and Snow be given to a maternal aunt on July 5, 2004. The division has been providing PSS services while working to reunify the girls with their mother. The aunt has developed some serious health problems and will not be able to care for the girls much longer. The mother was recently arrested and will most likely be spending 3-6 months in the county jail.

The aunt has discussed the situation with the caseworker and AG assigned to the case. A decision was made to take the girls into DCFS custody and find a foster home for them. The aunt is willing to keep the girls until a placement can be found. The AG prepares a motion requesting that the court grant custody to the Division. The motion is signed and dated by the AG on March 15, 2005. A review hearing for the PSS case is scheduled for April 21, 2005. On April 21, 2005, the court finds that it is in the best interest of Alice and Snow to be placed in DCFS custody.

What is the eligibility month? March 2005

### Case 3

On April 22, 2005, the Orem City Police arrested Donald after he vandalized the picnic facility at a local park. At the time of his arrest Donald was on probation for similar offenses. His probation officer transported Donald to Slate Canyon Detention center. On April 26, 2005, a judge ordered Donald to serve 30 days for probation violation and scheduled another hearing for May 20, 2005 When the eligibility worker reviews the rap sheet she finds that Donald has a history with DCFS including one prior custody episode in May 2004. The probation officer filed a petition on May 10, 2005. On May 20, 2005, the court orders that Donald be placed in DJJS custody for placement at O&A.

What is the eligibility month? May 2005

#### **Scenario Answers**

# **Case #1**

On Nov 9, 2004, a domestic violence incident occurred at the home of Ima Gem. The mother refused to go to the shelter with Ima, so as part of the DCFS safety plan the mother and father agreed to let Ima stay with her maternal grandmother. Because of the nature of the DV, the CPS worker asked the AG to petition the court for protective service supervision. The court ordered those services to begin on Dec 3, 2004. Ima did well in the home of her grandmother and the parents began participating in DV counseling. On Feb 23, 2005, another incident of domestic violence occurred while the parents were visiting Ima at the home of the grandmother. The police were called and the parents were both arrested. The parents refused to allow Ima to remain in the grandmother's care and the police called DCFS. The CPS worker placed Ima in protective custody and she was taken to the Christmas Box House. A shelter hearing was held 3 days later. At that hearing the judge granted custody to DCFS and ordered that she be placed with her grandmother.

# **Case #3**

Sometime in July 2001, Randee R left her 4 children with her mother. Randee said she was going out of town with a friend and would be back in 3 or 4 days. Six months later, Randee has not returned and the grandmother discovers that she has been arrested in Nevada and is awaiting trial on drug trafficking charges. Grandma continues to care for the children and consults an attorney about getting guardianship. Following his advice Grandma petitions the court and is awarded temporary custody and guardianship of all four children. The mother is sentenced to prison. On Sept. 24, 2003, the grandmother has a heart attack and dies. A friend of the family takes the children and cares for them, but

after a few months she realizes that she cannot provide for them any longer. When the friend cannot locate anyone willing to take the children, she contacts the police who refer her to family services. The children are ordered into DCFS custody on Jan. 3, 2004.  Type of removal
Removal home Grandmother
Date last lived with caretaker relative Sept 24, 2003
Within 6 months of the eligibility month? Yes X No
AFDC group the four children
<u>Case #4</u>
On July 5, 2004, Mickey, and Minnie were removed from the custody of their parents
pursuant to a warrant issued by the 3 <sup>rd</sup> District Court. They were taken to the Christmas
Box House where they stayed until the shelter hearing 3 days later. At the shelter
hearing the judge awarded custody of Mickey and Minnie to an aunt and uncle who live
in West Valley. The judge also orders that protective service supervision be provided.
The parents agree to a service plan, but are often uncooperative and fail to follow through
with court ordered recommendations. The aunt and uncle are caring for the children while
also providing supervision for the parents' visits. On Nov. 29, 2004, the aunt contacts
her DCFS caseworker and indicates that she needs additional support to provide the care
that Mickey and Minnie need. The caseworker refers her to the Foster Care Foundation
and the aunt and uncle decide to become licensed foster parents. The necessary
paperwork for licensure is completed and a probationary license is issued to the aunt and uncle on Dec. 10, 2004. On Dec. 3, 2004, the AG files a "Motion for Change of
Custody" with the court. At the review hearing on Dec. 14, 2004, the court orders that it
is in the children's best interest to be placed in state custody. Mickey and Minnie are
placed in the home of their aunt and uncle.
Type of removalPhysical
X Constructive
Removal home Parents
Date last lived with caretaker relative July 5, 2004
6 months of the eligibility month? Yes X No
AFDC group Parents, Mickey and Minnie

#### **Case #5**

Tony H was picked up and placed in detention after vandalizing the facilities in the local park on January 13, 2005. Prior to being arrested, Tony was living with his girlfriend in the home of her mother. He moved there after a fight with his mother and father in Nov 2004. Tony has two sisters who still reside with his parents. The County attorney reviews the charges and Tony's criminal history and then files a petition with the juvenile court on Jan 29, 2005. Tony is held in detention awaiting a court hearing on the petition and criminal charges. A hearing is scheduled for Feb. 17, 2005. At this hearing the judge determines that Tony is a danger to himself and the community and orders custody to the Division of Juvenile Justice Services. The judge also orders that an O&A evaluation be completed.

Initial Eligibility Determination 3/2010 X Physical Type of removal Constructive Removal home Parents Date last lived with caretaker relative Nov 2004 Within 6 months of the eligibility month? Yes X No AFDC group Parents, Tony and 2 sisters Case #6 On Sept 14, 2004, Karen A walks into her local DCFS office with her 2 children. She tells the staff there that she can no longer provide for her children and wants to place give them to someone who can care for them. She signs a DCFS Voluntary Placement Agreement and the CPS worker accompanies her to the foster home with the children. She tells the caseworker that her husband left her 3 weeks earlier and she has no money, no job and has been evicted from the apartment she was living in. She does not know where her husband is, but suspects that he may have gone to Las Vegas with a friend. Type of removal X Physical Constructive Removal home Mother Date children last lived with caretaker relative Sept 10, 2004 Within 6 months of the eligibility month? Yes X No No AFDC group Mother and 2 children

# **Deprivation Case Scenarios Answers**

# **Case #1**

Molly M., DOB 2/3/1994, was placed in DCFS custody by court order on March 25, 2005. At the time the court ordered custody to DCFS, Molly had been living in the home of her Aunt Susan. Molly has been living there with her aunt since she was released from the hospital in July 1994. Molly's mother was a prisoner at the time of her premature birth. Her mother was transported back to prison shortly after the birth. The mother will be released on parole in Aug 2005. Aunt Susan had petitioned the court to terminate the mother's rights so that she could adopt Molly, but the petition was denied because the mother pled for time to "get her act together" after being released from prison. The court awarded temporary custody of Molly to Aunt Susan on July 13, 1999. The identity of Molly's father is unknown.

Does deprivation exist? X Yes No
What type of deprivation, if any, exists? Both parent absent
Who is the caretaker relative that is losing custody? Aunt Susan

# Case #2

Ann, DOB 4/1/2005, and Andy, DOB 8/25/2003, were placed in DCFS custody on May 13, 2005, when the police discovered a meth lab in the basement of the home they were living in. Their mother and her boyfriend were arrested during the "bust" and transported to the Salt Lake County jail. The mother and boyfriend were both bailed out of jail and attended the shelter hearing that was held on May 16, 2005. In the petition for custody the AG has indicated that the father of Andy is Mr. Raggedy who is currently incarcerated on forgery charges at the Utah State Prison. He is serving 5-10 years and his earliest release would be sometime in 2008. The petition indicates the mother has stated that her current boyfriend is Ann's father. On May 18, the boyfriend was arrested by the Orem City Police while attempting to steal a car. The boyfriend is being held without bail in the Utah County Jail until a hearing that is scheduled for July 1.

Does deprivation exist for Ann? X Yes No
What form of deprivation, if any, exists for Ann? Father absent (in jail for more than 30 days)

Does deprivation exist for Andy? X Yes No
What form of deprivation, if any, exists for Andy? Father absent (in prison)
Who is the caretaker relative losing custody? Mother

### Case #3

Wiley C., DOB 10/31/2003, was placed in DCFS custody on Dec 10, 2004, when his grandmother called the DCFS to report that his mother and father had left him at her home on Oct 31, 2004, and never returned. The parents had planned to vacation for 1 week and return to pick up Wiley. The grandmother has not heard from the parents since they dropped Wiley off. She has no way to contact them. The grandmother is no longer able to care for Wiley because her husband has suffered a stroke and will need extensive medical care and treatment. The parents are located in Sun Valley, Idaho, and were served with the notice of removal. The CPS worker discovered that the parents have been living and working in Sun Valley, Idaho, since they left in Oct 2004. They report that they do not wish to have custody of their son returned to them because they are

Initial Eligibility Determination 3/2010 enjoying their newfound freedom. Neither parent is present at the shelter hearing that is held on Dec 13, 2004. Does deprivation exist? Yes X No What form of deprivation, if any, exists? none Who is the caretaker relative losing custody? parents Case #4 Dora E., DOB 11/15/1999, was placed in temporary custody on June 3, 2005, during a PSS review hearing. DCFS became involved with the family in Dec. 2003, after the mother was killed in a car accident. The family was returning to their home after the Christmas holidays when their car was hit by another vehicle from behind and pushed into oncoming traffic. The father was seriously injured in the crash and has been unable to work since that time. He remarried in Jan. 2005. He is currently receiving a monthly SSA disability payment and has filed a lawsuit against the person responsible for the accident. He is also working with Voc. Rehab in a job-training program. The stepmother works full-time as a paralegal. Does deprivation exist? X Yes No What form of deprivation, if any exists? Father's disability Who is the caretaker relative losing custody? father Case #5 Jordan, DOB 9/13/1989, was ordered into DJJS custody for O&A on May 13, 2005. His father and mother were present at the hearing. The father and mother are very concerned over Jordan's behaviors and relieved that the court has intervened. A local landscaping company currently employs the father. The mother has been employed full-time as a dental hygienist, but took an unpaid leave of absence in Jan 2005, because of the problems they were having at home with Jordan. She has not worked since that time. The father work is seasonal and he has worked 18 of the past 24 months earning \$23,790. The mother is currently not employed. She is not receiving unemployment or actively seeking work. She has not quit a job or refused a bonafide offer of employment within the past 30 days. Prior to taking a leave of absence from her job she was earning \$10 an

# Case #6

hour. In the past 24 months she has earned \$32,680.

Does deprivation exist? X Yes No

On Feb 10, 2005, the police summoned a CPS worker to the scene of a drug bust. All of the adults at the home were being detained and transported to the county jail facility. An infant was also in the home, but police had not been able to determine who the parents of the child were. After consulting the AG, the CPS worker placed the child in protective custody and transported her to a foster home. The police later identified the father and mother of the baby girl as the people who owned the home where the raid had occurred. Both parents were charged with possession and distribution. Bail was set at a hearing on Feb. 13, 2005. A 24 hour meeting was held and the shelter hearing was scheduled for Feb 14, 2005. The father and mother were transported to the shelter hearing from the jail.

What form of deprivation, if any exists? <u>Unemployment of the mother</u>
Who is the caretaker relative losing custody? parents

The court ordered custody to DCFS. The maternal grandfather paid the mother's bail and she was released from jail on Feb .22, 2005. The mother paid the father's bail on March 2, 2005. They are currently living in a local motel. The worker reports that the mother is not currently and to his knowledge has never been employed. Prior to his arrest, the father was working for a snow removal company. He returned to that company after his release. February was a really snowy month and he reports that he does not know how many hours he worked, but being arrested robbed him of all his overtime.

Does deprivation exist? Yes X No
What form of deprivation, if any exists? None, unable to prove
underemployment with available information. Parents not absent for 30 days
Who is the caretaker relative losing custody? Parents

# **Deeming Stepparent Income Answers**

Daisy was removed from the home of her mother by court order on Nov 13, 2004. Daisy's father was killed in a car accident 3 years ago and her mother recently remarried. Daisy has two sisters who were also removed and then placed with a maternal aunt. The mother is employed part-time as a meter-maid. Daisy and her sisters each receive a monthly SSA benefit of \$230. The mother owns the home where the family is living. The stepfather does cement work and is employed by Rock Products, Inc. The parent income asset declaration reports the mother earns \$10 and hour and works an average of 15 hours per week. The stepfather reports his income at \$18 per hour and he says that he works an average of 45 hours per week in the summer, but work in the late fall and winter slows down and he is currently working about 32 hours per week. He has two children who live with his ex-wife. ORS collects child support from the father in the amount of \$300 each month. He reports that he also pays \$200 a month in alimony. Calculate the amount of the stepparent's income that should be included in the gross income calculation.

**Deeming Stepparent's Income**: Complete the following calculation utilizing the stepparent's countable gross earned and unearned income. (Do not count stepparent in the child's AFDC group size.) Stepparent's AFDC group size: 1

Gross Monthly Countable Earned Income	\$_	2476.80
Minus \$90 Work Allowance (if applicable)	\$_	- 90.00
Subtotal	\$_	2386.80
Add Countable Unearned Income	\$_	+ 0
Subtotal	\$_	2386.80
Subtract 100% Need Standard		
(For stepparent's AFDC group)	\$_	- 329.00
Subtract any child support/alimony being paid	- \$_	500.00
<b>Total Deemed Income</b>	<b>\$</b> _	1886.80

Peter was removed from the home of his father by court order on Dec. 26, 2004. At the time of custody, the father, stepmother and her three children were living in the home. The father was recently hurt on the job and has been unable to work for the past 6 weeks. Workers Compensation is investigating the accident and a disability decision is pending. The father has \$5,000 in a savings account. He recently sold his truck and a motorcycle to help meet the family expenses. The stepmother started working on Dec. 4, 2004. She is working at Maverick Country Stores 25 hours per week. She received her first paycheck on Dec. 20, 2004. The gross pay is \$318.75. She expects to receive another check on Jan. 1, 2005.

Calculate the amount of the stepparent's income that should be included in the gross income calculation.

Deeming Stepparent's Income: Complete the foll	owing calculation utilizing the stepparent's
countable gross earned and unearned income.	(Do not count stepparent in the child's AFDC
group size.) Stepparent's AFDC group size:	<u>4</u>

Gross Monthly Countable Earned Income	\$_381.75
Minus \$90 Work Allowance (if applicable)	\$ - 90.00
Subtotal	\$ 291.75
Add Countable Unearned Income	\$ + 0
Subtotal	\$ 291.75
Subtract 100% Need Standard	
(For stepparent's AFDC group)	\$ 665.00
Subtract any child support/alimony being paid	\$ - 0
<b>Total Deemed Income</b>	\$ 0

# Dependent Care Cost Scenarios Answers

1. Mickey, age 2,and Minnie, age 5, were removed from the custody of their mother. The mother reports that she is working 35 hours per week earning \$8.50 per hour. The mother reports that she pays \$550.00 per month in child care costs. What is the allowed dependent care cost deduction?

\$350.00

Two children age 2 or over working an average of more than 23 hours per week. Allowed deduction is \$175.00 per child.

2. Daisy, age 4, was removed from the custody of her father. The father reports that he is self-employed working 15 to 20 hours per week. The father states he is paid a salary of \$1,500.00 each month. He reports day care cost of \$90.00 per month. What is the allowed dependent care cost deduction?

\$90.00

Deduction cannot exceed the amount of the actual day care cost.

3. Heaven, age 10, Steven, age 8, Jody, age 6, and Hannah, age 3, were removed from the custody of their mother. The father is deceased and the mother is receiving SSA benefits that total \$1650.00 each month. The mother is not currently working. She reports childcare costs of \$350.00 each month. What is the allowed dependent care cost deduction?

None

The mother is not working.

4. Savanna, age 14, and Trent, age 6, were removed from the custody of their mother. The mother is working 5 day a week earning \$7.75 per hour. The mother reports total monthly-earned income of \$1333.00. The mother says that she pays Savanna \$8 per day to watch Trent while she is working. What is the allowed dependent care cost deduction?

None

The childcare cost is being paid to a member of the AFDC group.

#### **Asset Worksheet Answers**

#### Scenario #1

Mork and Mindy were removed from the home of their mother and father by court order on Feb. 27, 2005. At the time of removal, the father was working for the traveling carnival and the mother was arrested and released from jail 3 days later. The family had been living with the paternal grandparents. The paternal grandparents own their own home. The grandmother has stated that the mother is not welcome in her home. The grandmother completed the Parent Income Asset Declaration. She reports that the mother does not work. The father owns a truck, which the grandmother says she has been making the payments on. The truck is a 2003 Ford F-150, worth about \$8,000 according to the GM. She states that the father still owes \$3,500. The father also purchased a piece of property about 3 years ago. They plan to build a home on the property in the future, but currently they are using it to board the neighbors' horses. The property was purchased for \$12,000 with an insurance settlement. Calculate the assets of the AFDC group.

AFDC Group Asset Determination			
Accounts (savings, checking, stocks, etc.) Countable Vehicles (from table below) Personal Property (life insurance, funeral plans, etc.)	\$ \$ \$	none 3,000 12,000	
Total	\$	15,000	

Note: Include stepparent assets in determining countable assets.

#### Vehicles:

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$ <u>8,000</u>	\$	\$
Minus Amount Owed	3,500		
Value	\$ <u>4,500</u>	\$	\$

Exclude up to \$1,500 for one vehicle and add together all remaining values.

Total Countable Vehicles \$\_\_\_\_\_\_3,000

#### Scenario #2

Flopsy was removed from the home of her mother and placed in DCFS custody by court order on Jan. 3, 2005. Flopsy may have pinkeye and needs to see a doctor as soon as possible. The mother is currently unemployed and reports owning a 1999 car. She doesn't know the make or model of the car, but she did report that she recently got a "title loan" of \$1500 to cover her rent and other "stuff." There is \$535.00 in her checking account. The mother has an open E-REP case, which indicates that the car is a 2000 Toyota Corolla. The car registration is listed in the mother and her ex-husband's name. The value of the car is currently \$4,500. The mother is living in a trailer home that she owns. She pays \$300 each month for space rental. The mother is holding her exhusband's tools "hostage" for child support she claims he owes. The ex-husband reports the tools are worth \$2,500 and has filed suit to have them returned to him. Calculate the assets of the AFDC group.

AFDC Group Asset Determ	ination	
Accounts (savings, checking, stocks, etc.) Countable Vehicles (from table below) Personal Property (life insurance, funeral plans, etc.)	\$_ \$_ \$_	535.00 1500.00 0.00
Total	<b>\$</b> _	2035.00

Note: Include stepparent assets in determining countable assets.

#### Vehicles:

	Vehicle #	Vehicle #2	Vehicle #3
Trade-In Value	\$_4500.00	\$	\$
Minus Amount Owed	- <u>1500</u>		
Value	\$ <u>3,000.00</u>	\$	\$

Exclude up to \$1,500 for one vehicle and add together all remaining values.

Total Countable Vehicles	\$ 1500.00

<sup>\*</sup> Since the mother has the vehicle in her possession the entire vehicle value would belong to her.

<sup>\*</sup> The tools are not legally available to the mother to sell.